the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2299. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2300. Mr. CRUZ (for himself and Mr. WARNOCK) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

SA 2301. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2138.** Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40901(4)(A) of division D, strike clause (ii) and insert the following:

(ii) selected for funding under the competitive grant program authorized pursuant to section 1602(f) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(f)), with funding under this subparagraph to be provided in accordance with that section, notwithstanding section 4013 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322), except that—

(I) section 1602(g)(2) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(g)(2)) shall not apply to amounts made available under this subparagraph; and

(II) the amounts made available under this subparagraph shall not exceed the lesser of—

(aa) notwithstanding section 1631(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-13(d)), $30,000,000 for each water recycling and reuse project provided funding under this subparagraph; and

(bb) the amount that is equal to 25 percent of the costs of the water recycling and reuse project provided funding under this subparagraph; and

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**SA 2139.** Mrs. FEINSTEIN (for herself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, strike section 40909 and insert the following:

**SEC. 40909. CLARIFICATION OF AUTHORITY TO USE CORONAVIRUS FISCAL RECOVERY FUNDS TO MEET A NON-FEDERAL MATCHING REQUIREMENT FOR AUTHORIZED WATER PROJECTS.**

(a) CORONAVIRUS STATE FISCAL RECOVERY FUND.—Section 602(c) of the Social Security Act (42 U.S.C. 802(c)) is amended by adding at the end the following:

''(4) USE OF FUNDS TO SATISFY NON-FEDERAL MATCHING REQUIREMENTS FOR AUTHORIZED WATER PROJECTS.—Funds provided under this section for a project undertaken or funded by the Bureau of Reclamation pursuant to an Act of Congress may be used for purposes of satisfying any non-Federal matching requirement required for the project.''.

(b) CORONAVIRUS LOCAL FISCAL RECOVERY FUND.—Section 603(c) of the Social Security Act (42 U.S.C. 803(c)) is amended by adding at the end the following:

''(5) USE OF FUNDS TO SATISFY NON-FEDERAL MATCHING, MAINTENANCE OF EFFORT, OR OTHER EXPENDITURE REQUIREMENT.—Funds provided under this section for a project undertaken or funded by the Bureau of Reclamation pursuant to an Act of Congress may be used for purposes of satisfying any non-Federal matching requirement required for the project.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 9901 of the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 223).

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**SA 2140.** Ms. DUCKWORTH (for herself, Mr. CASEY, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2690, line 11, insert after ''et seq.):'' the following: ''*Provided further*, That an eligible entity that receives a grant under this heading in this Act shall adopt a plan under which the entity commits to pursuing public transportation accessibility projects that: (1) enhance the customer experience and maximize accessibility of rolling stock and stations or facilities for passenger use for individuals with disabilities, including accessibility for individuals with physical disabilities, including those who use wheelchairs, accessibility for individuals with sensory disabilities, and accessibility for individuals with intellectual or developmental disabilities; (2) improve the operations of, provide efficiencies of service to, and enhance the public transportation system for individuals with disabilities; and (3) address equity of service to all riders regardless of income, age, race, or ability, taking into account historical and current service gaps for low-income riders, older individuals, riders from communities of color, and riders with disabilities:''.

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**SA 2141.** Mr. KAINE (for himself, Mr. PORTMAN, and Mr. OSSOFF) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division A, insert the following:

**SEC. 13011. ESTABLISHING JOB TRAINING FEDERAL PELL GRANTS; ELIMINATING SHORT-TERM EDUCATION LOAN PROGRAMS; TECHNICAL CORRECTIONS.**

(a) ELIMINATING SHORT-TERM EDUCATION LOAN PROGRAMS.—Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) is amended by adding at the end the following:

''(5) The Secretary shall eliminate the short-term education loan program, as authorized under paragraph (2), on the date that is 120 days after the date the Secretary establishes the application for Job Training Federal Pell Grants under section 401(k).''.

(b) TECHNICAL CORRECTIONS.—Section 481(d) of the Higher Education Act of 1965 (20 U.S.C. 1088(d)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking ''under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title,'' and inserting '', or any retired member of an Armed Force ordered to active duty,''; and

(B) in subparagraph (B), by striking ''an Armed Force'' and inserting ''a Uniformed Service''; and

(2) in paragraph (5), by striking ''and supported by Federal funds''.

(c) CURRENT ENACTMENT OF JOB TRAINING FEDERAL PELL GRANT PROGRAM.—Section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) is amended by adding at the end the following:

''(k) JOB TRAINING FEDERAL PELL GRANT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act.

''(B) ELIGIBLE JOB TRAINING PROGRAM.—

''(i) IN GENERAL.—The term 'eligible job training program' means a career and technical education program at an eligible institution of higher education that—

''(I) provides not less than 150, and not more than 600, clock hours of instructional time over a period of not less than 8 weeks and not more than 15 weeks;

''(II) provides training aligned with the requirements of high-skill, high-wage, or in-demand industry sectors or occupations in the State or local area in which the job training program is provided, as determined by—

''(aa) a State board or local board;

''(bb) a State plan, as described in section 122(d)(13)(C) of the Carl D. Perkins Career and Technical Education Act of 2006; or

''(cc) a comprehensive local needs assessment, as described in section 134(c) of the Carl D. Perkins Career and Technical Education Act of 2006;

''(III) is a program—

''(aa) provided through an eligible training provider, as described under section 122(d) of the Workforce Innovation and Opportunity Act; and

''(bb) subject to the reporting requirements of section 116(d)(4) of the Workforce Innovation and Opportunity Act, or would be subject to such requirements except for a waiver issued to a State under section 189(i) of the Workforce Innovation and Opportunity Act;

''(IV) provides a student, upon completion of the program, with a degree or recognized postsecondary credential that is stackable and portable across multiple employers and geographical areas;

''(V) has demonstrated that the median change in total earnings for students who complete the program is an increase of not less than 20 percent, in accordance with paragraph (2);

''(VI) publishes prominently on the website of the institution, and provides a written disclosure to each prospective student prior to entering into an enrollment agreement for such program (which each such student shall confirm receiving through a written affirmation prior to entering such enrollment agreement) containing, at a minimum, the following information calculated, as applicable, in accordance with paragraph (8)—

''(aa) the required tuition and fees of the program;

''(bb) the difference between required tuition and fees described in item (aa) and any grant aid (which does not need to be repaid) provided to the student;

''(cc) the completion rate of the program;

''(dd) the percentage of students placed or retained in employment, measured at not less than 6 months and 1 year, respectively, after completion of the program;

''(ee) total earnings of students who complete the program not less than 6 months after completion of the program;

''(ff) total earnings of students who do not complete the program;

''(gg) the ratio of the amount that is the difference between required tuition and fees and any grant aid provided to the student described in item (bb) to the total earnings of students who complete the program not less than 6 months after completion of the program described in item (ee);

''(hh) an explanation, in clear and plain language, of the ratio described in item (gg); and

''(ii) in the case of a job training program that prepares students for a professional license or certification exam, the share of such students who pass such exams;

''(VII) has been determined by the eligible institution of higher education (after validation of that determination by an industry or sector partnership or State board or local board) to provide academic content, an amount of instructional time, and competencies to satisfy any applicable educational requirement for professional licensure or certification, so that the student who completes the program and seeks employment is qualified to take any licensure or certification examination needed to practice or find employment in such sectors or occupations that the program prepares students to enter;

''(VIII) has been in operation for not less than 1 year prior to becoming an eligible job training program under this subsection;

''(IX) does not exceed by more than 50 percent the minimum number of clock hours required by a State to receive a professional license or certification in the State, if the State has established such a requirement;

''(X) includes institutional credit articulation for a student enrolled in a noncredit job training program;

''(XI) is not offered exclusively through distance education or a correspondence course, except as determined by the Secretary to be necessary, on a temporary basis, in connection with a—

''(aa) major disaster or emergency declared by the President under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

''(bb) national emergency declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.);

''(XII) is provided not less than 50 percent directly by the eligible institution of higher education;

''(XIII) may include integrated education and training; and

''(XIV) may be offered as part of a program that—

''(aa) meets the requirements of section 484(d)(2);

''(bb) is part of a career pathway, as defined in section 3 of the Workforce Innovation and Opportunity Act; and

''(cc) is aligned to a program of study, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.

''(ii) APPROVAL BY THE SECRETARY.—

''(I) IN GENERAL.—In the case of a program that is seeking to establish initial eligibility as an eligible job training program under this subparagraph, the Secretary shall make a determination whether the program meets the requirements of this subparagraph not more than 120 days after the date on which such program is submitted for consideration as an eligible job training program. If the Secretary determines the program meets the requirements of this paragraph, the Secretary shall grant an initial period of approval of 2 years. The Secretary shall enable institutions to apply for eligible job training program approval not later than 1 year after the date of enactment of the Infrastructure Investment and Jobs Act.

''(II) PUBLICATION OF APPLICATION.—Not later than 1 year after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall publish the application for job training programs to submit for approval as eligible job training programs. The information required to determine eligibility in such application shall be consistent with the requirements described in this subparagraph.

''(iii) RENEWAL OF APPROVAL BY THE SECRETARY.—An eligible job training program that desires to continue eligibility as an eligible job training program after the period of initial approval described in clause (ii), or the subsequent period described in this clause, shall submit a renewal application to the Secretary (with such information as the Secretary may require), not more than 270 days and not less than 180 days before the end of the previous approval period. If the Secretary determines the program meets such requirements, the Secretary shall grant another period of approval for 3 years.

''(iv) PERIODIC REVIEW BY THE SECRETARY.—The Secretary shall periodically review a program previously approved under clause (ii) or (iii) to determine whether such program is meeting the requirements of an eligible job training program described in this subsection.

''(v) REVOCATION OF APPROVAL BY THE SECRETARY.—If at any time the Secretary determines that a program previously approved under clause (ii) or (iii) is no longer meeting any of the requirements of an eligible job training program described in this subsection, the Secretary—

''(I) shall deny a subsequent renewal of approval in accordance with clause (iii) for such program after the expiration of the approval period;

''(II) may withdraw approval for such program before the expiration of the approval period;

''(III) shall ensure students who enrolled in such programs have access to transcripts for completed coursework without a fee or monetary charge and without regard to any balance owed to the institution; and

''(IV) shall prohibit such program and any substantially similar program, from being considered an eligible job training described in this subsection for a period of not less than 5 years.

''(vi) ADDITIONAL ASSURANCE BY STATE BOARD.—The Secretary shall not determine that a program is an eligible job training program in accordance with clause (ii) unless the Secretary receives a certification from the State board representing the State in which the eligible job training program is provided, containing an assurance that the program meets the requirements of clause (i).

''(C) TOTAL EARNINGS.—For the purposes of this subsection, the term 'total earnings' means the median annual earnings.

''(D) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—For the purposes of this subsection, the term 'eligible institution of higher education' means—

''(i) an institution of higher education, as defined in section 101;

''(ii) a postsecondary vocational institution, as defined in section 102(c); and

''(iii) an institution of higher education—

''(I) approved by an accrediting agency or association that meets the requirements of section 496(a)(4)(C);

''(II) that has not been a proprietary institution of higher education, as defined in section 102(b), within the previous 3 years; and

''(III) that has not been subject, during any of the preceding 5 years, to—

''(aa) any suspension, emergency action, or termination of programs under this title;

''(bb) any adverse action by the institution's accrediting agency or association; or

''(cc) any action by the State to revoke a license or other authority to operate.

''(E) INSTITUTIONAL CREDIT ARTICULATION.—The term 'institutional credit articulation' means the situation where an institution of higher education provides a student who has completed a noncredit program with the equivalent academic credit that may be applied to a subsequent credit-bearing certificate or degree program upon enrollment in such program at such institution.

''(F) WIOA DEFINITIONS.—The terms 'industry or sector partnership', 'in-demand industry sector or occupation', 'recognized postsecondary credential', 'local board', and 'State board' have the meanings given such terms in section 3 of the Workforce Innovation and Opportunity Act.

''(2) TOTAL EARNINGS INCREASE REQUIREMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), as a condition of participation under this subsection, the Secretary shall, using the data collected under paragraph (8) and such other information as the Secretary may require, determine whether such job training program meets the requirements of paragraph (1)(B)(i)(V) with respect to whether the median change in annual earnings for students who complete the program is an increase of not less than 20 percent of the total earnings of such students before enrollment in the program. For the purposes of this paragraph, the Secretary shall determine such percentage change by calculating the difference between the total earnings of students who enroll in such programs not more than 6 months prior to enrollment, and the total earnings of students who complete such program not more than 6 months after completing such program.

''(B) DATE OF EFFECT.—The requirement under this paragraph shall take effect beginning on the date that is 1 year after the date the program has been approved as an eligible job training program under this subsection.

''(3) APPEAL OF EARNINGS INFORMATION.—The Secretary's determination under paragraph (2) may include an appeals process to permit job training programs to submit alternate discretionary or total earnings data, respectively, provided that such data are statistically rigorous, accurate, comparable, and representative of students who complete the program.

''(4) AUTHORIZATION OF AWARDS.—The Secretary shall award Federal Pell Grants to students in eligible job training programs (referred to as a 'job training Federal Pell Grant'). Each eligible job training Federal Pell Grant awarded under this subsection shall have the same terms and conditions, and be awarded in the same manner, as other Federal Pell Grants awarded under subsection (b), except a student who is eligible to receive a job training Federal Pell Grant under this subsection is a student who—

''(A) has not yet attained a postbaccalaureate degree;

''(B) is enrolled, or accepted for enrollment, in an eligible job training program at an eligible institution of higher education; and

''(C) meets all other eligibility requirements for a Federal Pell Grant (except with respect to the type of program of study, as provided in subparagraph (B)).

''(5) AMOUNT OF AWARD.—The amount of a job training Federal Pell Grant for an eligible student shall be determined under subsection (b), except that a student who is eligible for less than the minimum Federal Pell Grant because the eligible job training program is less than an academic year (in clock-hours and weeks of instructional time) may still be eligible for a Federal Pell Grant.

''(6) INCLUSION IN TOTAL ELIGIBILITY PERIOD.—Any period during which a student receives a job training Federal Pell Grant under this subsection shall be included in calculating the student's period of eligibility for Federal Pell Grants under subsection (d), and the eligibility requirements regarding students who are enrolled in an undergraduate program on less than a full-time basis shall similarly apply to students who are enrolled in an eligible job training program at an eligible institution of higher education on less than a full-time basis.

''(7) SAME PAYMENT PERIOD.—No student may for the same payment period receive both a job training Federal Pell Grant under this subsection and a Federal Pell Grant under this section.

''(8) INTERAGENCY DATA SHARING AND DATA COLLECTION.—

''(A) INTERAGENCY DATA SHARING.—The Secretary shall coordinate and enter into a data sharing agreement with the Secretary of Labor to ensure access to data necessary to implement this paragraph, including such data related to indicators of performance collected under section 116 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141).

''(B) DATA ON ELIGIBLE JOB TRAINING PROGRAMS.—Except as provided under subparagraph (C), each institution of higher education offering an eligible job training program for which the Secretary awards job training Federal Pell Grants under this subsection, the Secretary shall, on at least an annual basis, collect and publish data with respect to each such eligible job training program, including the following:

''(i) The number and demographics of students who enroll in the program, including, at a minimum, disaggregated by—

''(I) sex;

''(II) race and ethnicity;

''(III) classification as a student with a disability;

''(IV) income quintile, as defined by the Secretary;

''(V) recipients of assistance under a tuition assistance program conducted by the Department of Defense under section 1784a or 2007 of title 10, United States Code (or other authorities available to the Department of Defense), or status as a veteran;

''(VI) status as a first-time student or transfer student from another institution;

''(VII) status as a first-generation student;

''(VIII) status as parent or guardian of 1 or more dependent children; and

''(IX) status as a confined or incarcerated individual, as defined under section 484(t)(1)(A).

''(ii) The number and demographics, disaggregated by the categories listed in clause (i), including, at a minimum, of—

''(I) students who complete the program; and

''(II) students who do not complete the program.

''(iii) The required tuition and fees of the program.

''(iv) The earnings of students, disaggregated by the categories listed in clause (i), including, at a minimum—

''(I) total earnings of students who complete the program; and

''(II) total earnings of students who do not complete the program.

''(v) Additional outcomes of the students who complete the program, disaggregated by the categories listed in clause (i), including, at a minimum—

''(I) the completion rate of such students;

''(II) the percentage of such students placed or retained in employment, measured at not less than 6 months and 1 year, respectively, after completion of the program;

''(III) in the case of a job training program that prepares students for a professional license or certification exam, the share of such students who pass such exams;

''(IV) the share of such students who continue enrollment at the institution of higher education offering the program within 1 year;

''(V) the share of such students who transfer to another institution of higher education within 1 year; and

''(VI) the share of such students who complete a subsequent certificate or degree program within 6 years.

''(C) EXCEPTIONS.—Notwithstanding any other provision of this paragraph—

''(i) if disclosure of disaggregated data under subparagraph (B) is prohibited from disclosure due to applicable privacy restrictions, the Secretary may take such steps as the Secretary determines necessary to provide meaningful disaggregated student demographic or outcome information, including by combining categories; and

''(ii) an institution may submit, and the Secretary may publish, data required to be collected under subparagraph (B) that is obtained through a State Unemployment Insurance Agency or through other supplemental means, in lieu of any additional data collection, provided that such data are statistically rigorous, accurate, comparable, and representative.

''(D) REPORT.—Not later than July 1, 2025, the Secretary shall—

''(i) submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the impact of an eligible job training program for which the Secretary awards job training Federal Pell Grants under this subsection, based on the most recent data collected under subparagraph (B); and

''(ii) make the report described in clause (i) available publicly on the website of the Department.''.

(d) FUTURE ENACTMENT OF JOB TRAINING FEDERAL PELL GRANT PROGRAM.—

(1) IN GENERAL.—Section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a), as amended by section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is further amended by adding at the end the following:

''(k) JOB TRAINING FEDERAL PELL GRANT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.

''(B) ELIGIBLE JOB TRAINING PROGRAM.—

''(i) IN GENERAL.—The term 'eligible job training program' means a career and technical education program at an eligible institution of higher education that—

''(I) provides not less than 150, and not more than 600, clock hours of instructional time over a period of not less than 8 weeks and not more than 15 weeks;

''(II) provides training aligned with the requirements of high-skill, high-wage, or in-demand industry sectors or occupations in the State or local area in which the job training program is provided, as determined by—

''(aa) a State board or local board;

''(bb) a State plan, as described in section 122(d)(13)(C) of the Carl D. Perkins Career and Technical Education Act of 2006; or

''(cc) a comprehensive local needs assessment, as described in section 134(c) of the Carl D. Perkins Career and Technical Education Act of 2006;

''(III) is a program—

''(aa) provided through an eligible training provider, as described under section 122(d) of the Workforce Innovation and Opportunity Act; and

''(bb) subject to the reporting requirements of section 116(d)(4) of the Workforce Innovation and Opportunity Act, or would be subject to such requirements except for a waiver issued to a State under section 189(i) of the Workforce Innovation and Opportunity Act;

''(IV) provides a student, upon completion of the program, with a degree or recognized postsecondary credential that is stackable and portable across multiple employers and geographical areas;

''(V) has demonstrated that the median change in total earnings for students who complete the program is an increase of not less than 20 percent, in accordance with paragraph (2);

''(VI) publishes prominently on the website of the institution, and provides a written disclosure to each prospective student prior to entering into an enrollment agreement for such program (which each such student shall confirm receiving through a written affirmation prior to entering such enrollment agreement) containing, at a minimum, the following information calculated, as applicable, in accordance with paragraph (8)—

''(aa) the required tuition and fees of the program;

''(bb) the difference between required tuition and fees described in item (aa) and any grant aid (which does not need to be repaid) provided to the student;

''(cc) the completion rate of the program;

''(dd) the percentage of students placed or retained in employment, measured at not less than 6 months and 1 year, respectively, after completion of the program;

''(ee) total earnings of students who complete the program not less than 6 months after completion of the program;

''(ff) total earnings of students who do not complete the program;

''(gg) the ratio of the amount that is the difference between required tuition and fees and any grant aid provided to the student described in item (bb) to the total earnings of students who complete the program not less

than 6 months after completion of the program described in item (ee);

''(hh) an explanation, in clear and plain language, of the ratio described in item (gg); and

''(ii) in the case of a job training program that prepares students for a professional license or certification exam, the share of such students who pass such exams;

''(VII) has been determined by the eligible institution of higher education (after validation of that determination by an industry or sector partnership or State board or local board) to provide academic content, an amount of instructional time, and competencies to satisfy any applicable educational requirement for professional licensure or certification, so that the student who completes the program and seeks employment is qualified to take any licensure or certification examination needed to practice or find employment in such sectors or occupations that the program prepares students to enter;

''(VIII) has been in operation for not less than 1 year prior to becoming an eligible job training program under this subsection;

''(IX) does not exceed by more than 50 percent the minimum number of clock hours required by a State to receive a professional license or certification in the State, if the State has established such a requirement;

''(X) includes institutional credit articulation for a student enrolled in a noncredit job training program;

''(XI) is not offered exclusively through distance education or a correspondence course, except as determined by the Secretary to be necessary, on a temporary basis, in connection with a—

''(aa) major disaster or emergency declared by the President under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

''(bb) national emergency declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.);

''(XII) is provided not less than 50 percent directly by the eligible institution of higher education;

''(XIII) may include integrated education and training; and

''(XIV) may be offered as part of a program that—

''(aa) meets the requirements of section 484(d)(2);

''(bb) is part of a career pathway, as defined in section 3 of the Workforce Innovation and Opportunity Act; and

''(cc) is aligned to a program of study, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.

''(ii) APPROVAL BY THE SECRETARY.—

''(I) IN GENERAL.—In the case of a program that is seeking to establish initial eligibility as an eligible job training program under this subparagraph, the Secretary shall make a determination whether the program meets the requirements of this subparagraph not more than 120 days after the date on which such program is submitted for consideration as an eligible job training program. If the Secretary determines the program meets the requirements of this paragraph, the Secretary shall grant an initial period of approval of 2 years. The Secretary shall enable institutions to apply for eligible job training program approval not later than 1 year after the date of enactment of the Infrastructure Investment and Jobs Act.

''(II) PUBLICATION OF APPLICATION.—Not later than 1 year after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall publish the application for job training programs to submit for approval as eligible job training programs. The information required to determine eligibility in such application shall be consistent with the requirements described in this subparagraph.

''(iii) RENEWAL OF APPROVAL BY THE SECRETARY.—An eligible job training program that desires to continue eligibility as an eligible job training program after the period of initial approval described in clause (ii), or the subsequent period described in this clause, shall submit a renewal application to the Secretary (with such information as the Secretary may require), not more than 270 days and not less than 180 days before the end of the previous approval period. If the Secretary determines the program meets such requirements, the Secretary shall grant another period of approval for 3 years.

''(iv) PERIODIC REVIEW BY THE SECRETARY.—The Secretary shall periodically review a program previously approved under clause (ii) or (iii) to determine whether such program is meeting the requirements of an eligible job training program described in this subsection.

''(v) REVOCATION OF APPROVAL BY THE SECRETARY.—If at any time the Secretary determines that a program previously approved under clause (ii) or (iii) is no longer meeting any of the requirements of an eligible job training program described in this subsection, the Secretary—

''(I) shall deny a subsequent renewal of approval in accordance with clause (iii) for such program after the expiration of the approval period;

''(II) may withdraw approval for such program before the expiration of the approval period;

''(III) shall ensure students who enrolled in such programs have access to transcripts for completed coursework without a fee or monetary charge and without regard to any balance owed to the institution; and

''(IV) shall prohibit such program and any substantially similar program, from being considered an eligible job training described in this subsection for a period of not less than 5 years.

''(vi) ADDITIONAL ASSURANCE BY STATE BOARD.—The Secretary shall not determine that a program is an eligible job training program in accordance with clause (ii) unless the Secretary receives a certification from the State board representing the State in which the eligible job training program is provided, containing an assurance that the program meets the requirements of clause (i).

''(C) TOTAL EARNINGS.—For the purposes of this subsection, the term 'total earnings' means the median annual earnings.

''(D) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—For the purposes of this subsection, the term 'eligible institution of higher education' means—

''(i) an institution of higher education, as defined in section 101;

''(ii) a postsecondary vocational institution, as defined in section 102(c); and

''(iii) an institution of higher education—

''(I) approved by an accrediting agency or association that meets the requirements of section 496(a)(4)(C);

''(II) that has not been a proprietary institution of higher education, as defined in section 102(b), within the previous 3 years; and

''(III) that has not been subject, during any of the preceding 5 years, to—

''(aa) any suspension, emergency action, or termination of programs under this title;

''(bb) any adverse action by the institution's accrediting agency or association; or

''(cc) any action by the State to revoke a license or other authority to operate.

''(E) INSTITUTIONAL CREDIT ARTICULATION.—The term 'institutional credit articulation' means the situation where an institution of higher education provides a student who has completed a noncredit program with the equivalent academic credit that may be applied to a subsequent credit-bearing certificate or degree program upon enrollment in such program at such institution.

''(F) WIOA DEFINITIONS.—The terms 'industry or sector partnership', 'in-demand industry sector or occupation', 'recognized postsecondary credential', 'local board', and 'State board' have the meanings given such terms in section 3 of the Workforce Innovation and Opportunity Act.

''(2) TOTAL EARNINGS INCREASE REQUIREMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), as a condition of participation under this subsection, the Secretary shall, using the data collected under paragraph (8) and such other information as the Secretary may require, determine whether such job training program meets the requirements of paragraph (1)(B)(i)(V) with respect to whether the median change in annual earnings for students who complete the program is an increase of not less than 20 percent of the total earnings of such students before enrollment in the program. For the purposes of this paragraph, the Secretary shall determine such percentage increase by calculating the difference between the total earnings of students who enroll in such programs not more than 6 months prior to enrollment, and the earnings of students who complete such program not more than 6 months after completing such program.

''(B) DATE OF EFFECT.—The requirement under this paragraph shall take effect beginning on the date that is 1 year after the date the program has been approved as an eligible job training program under this subsection.

''(3) APPEAL OF EARNINGS INFORMATION.—The Secretary's determination under paragraph (2) may include an appeals process to permit job training programs to submit alternate discretionary or total earnings data, respectively, provided that such data are statistically rigorous, accurate, comparable, and representative of students who complete the program.

''(4) AUTHORIZATION OF AWARDS.—The Secretary shall award Federal Pell Grants to students in eligible job training programs (referred to as a 'job training Federal Pell Grant'). Each eligible job training Federal Pell Grant awarded under this subsection shall have the same terms and conditions, and be awarded in the same manner, as other Federal Pell Grants awarded under subsection (b), except a student who is eligible to receive a job training Federal Pell Grant under this subsection is a student who—

''(A) has not yet attained a postbaccalaureate degree;

''(B) is enrolled, or accepted for enrollment, in an eligible job training program at an eligible institution of higher education; and

''(C) meets all other eligibility requirements for a Federal Pell Grant (except with respect to the type of program of study, as provided in subparagraph (B)).

''(5) AMOUNT OF AWARD.—The amount of a job training Federal Pell Grant for an eligible student shall be determined under subsection (b), except that a student who is eligible for less than the minimum Federal Pell Grant because the eligible job training program is less than an academic year (in clock-hours and weeks of instructional time) may still be eligible for a Federal Pell Grant.

''(6) INCLUSION IN TOTAL ELIGIBILITY PERIOD.—Any period during which a student receives a job training Federal Pell Grant under this subsection shall be included in calculating the student's period of eligibility for Federal Pell Grants under subsection (d), and the eligibility requirements regarding

students who are enrolled in an undergraduate program on less than a full-time basis shall similarly apply to students who are enrolled in an eligible job training program at an eligible institution of higher education on less than a full-time basis.

''(7) SAME PAYMENT PERIOD.—No student may for the same payment period receive both a job training Federal Pell Grant under this subsection and a Federal Pell Grant under this section.

''(8) INTERAGENCY DATA SHARING AND DATA COLLECTION.—

''(A) INTERAGENCY DATA SHARING.—The Secretary shall coordinate and enter into a data sharing agreement with the Secretary of Labor to ensure access to data necessary to implement this paragraph, including such data related to indicators of performance collected under section 116 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141).

''(B) DATA ON ELIGIBLE JOB TRAINING PROGRAMS.—Except as provided under subparagraph (C), each institution of higher education offering an eligible job training program for which the Secretary awards job training Federal Pell Grants under this subsection, the Secretary shall, on at least an annual basis, collect and publish data with respect to each such eligible job training program, including the following:

''(i) The number and demographics of students who enroll in the program, including, at a minimum, disaggregated by—

''(I) sex;

''(II) race and ethnicity;

''(III) classification as a student with a disability;

''(IV) income quintile, as defined by the Secretary;

''(V) recipients of assistance under a tuition assistance program conducted by the Department of Defense under section 1784a or 2007 of title 10, United States Code (or other authorities available to the Department of Defense), or status as a veteran;

''(VI) status as a first-time student or transfer student from another institution;

''(VII) status as a first-generation student;

''(VIII) status as parent or guardian of 1 or more dependent children; and

''(IX) status as a confined or incarcerated individual, as defined under section 484(t)(1)(A).

''(ii) The number and demographics, disaggregated by the categories listed in clause (i), including, at a minimum, of—

''(I) students who complete the program; and

''(II) students who do not complete the program.

''(iii) The required tuition and fees of the program.

''(iv) The earnings of students, disaggregated by the categories listed in clause (i), including, at a minimum—

''(I) total earnings of students who complete the program; and

''(II) total earnings of students who do not complete the program.

''(v) Additional outcomes of the students who complete the program, disaggregated by the categories listed in clause (i), including, at a minimum—

''(I) the completion rate of such students;

''(II) the percentage of such students placed or retained in employment, measured at not less than 6 months and 1 year, respectively, after completion of the program;

''(III) in the case of a job training program that prepares students for a professional license or certification exam, the share of such students who pass such exams;

''(IV) the share of such students who continue enrollment at the institution of higher education offering the program within 1 year;

''(V) the share of such students who transfer to another institution of higher education within 1 year; and

''(VI) the share of such students who complete a subsequent certificate or degree program within 6 years.

''(C) EXCEPTIONS.—Notwithstanding any other provision of this paragraph—

''(i) if disclosure of disaggregated data under subparagraph (B) is prohibited from disclosure due to applicable privacy restrictions, the Secretary may take such steps as the Secretary determines necessary to provide meaningful disaggregated student demographic or outcome information, including by combining categories; and

''(ii) an institution may submit, and the Secretary may publish, data required to be collected under subparagraph (B) that is obtained through a State Unemployment Insurance Agency or through other supplemental means, in lieu of any additional data collection, provided that such data are statistically rigorous, accurate, comparable, and representative.

''(D) REPORT.—Not later than July 1, 2025, the Secretary shall—

''(i) submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the impact of an eligible job training program for which the Secretary awards job training Federal Pell Grants under this subsection, based on the most recent data collected under subparagraph (B); and

''(ii) make the report described in clause (i) available publicly on the website of the Department.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260).

(e) WORKFORCE INNOVATION AND OPPORTUNITY ACT AMENDMENT.—Section 116(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(i)) is amended by adding at the end the following:

''(4) INTERAGENCY DATA SHARING FOR JOB TRAINING FEDERAL PELL GRANT PROGRAM.—The Secretary of Labor shall coordinate and enter into a data sharing agreement with the Secretary of Education to ensure access to data necessary to implement section 401(k) of the Higher Education Act of 1965 (20 U.S.C. 1070a(k)), as added by section 13011 of the Infrastructure Investment and Jobs Act, including such applicable data related to unemployment insurance, wage information, employment-related outcomes, and indicators of performance collected under this section.''.

(f) ACCREDITING AGENCY RECOGNITION OF ELIGIBLE JOB TRAINING PROGRAMS.—Section 496(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a)(4)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) in subparagraph (B)(ii), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(C) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions of higher education participating in the job training Federal Pell Grant program under section 401(k), such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that, with respect to such eligible job training programs (as defined in that subsection)—

''(i) the agency or association's standards include a process for determining if the institution has the capability to effectively offer an eligible job training program; and

''(ii) the agency or association requires a demonstration that the program—

''(I) has identified each recognized postsecondary credential offered in the relevant industry in the State or local area where the industry is located; and

''(II) provides academic content, an amount of instructional time, and competencies to satisfy any applicable educational requirement for professional licensure or certification, so that a student who completes the program and seeks employment is qualified to take any licensure or certification examination needed to practice or find employment in the sectors or occupations that the program prepares students to enter.''.

(g) RESCISSION.—Of the amounts appropriated under section 401(b)(7)(A)(iv)(XI) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)(XI)) for fiscal year 2021, $120,000,000 are rescinded.

(h) EFFECTIVE DATE.—Except as otherwise provided, this section and the amendments made by this section shall take effect on the date of enactment of this Act.

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**SA 2142.** Mr. MARKEY (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. NORTH ATLANTIC RAIL INTERSTATE COMPACT.**

(a) IN GENERAL.—Chapter 249 of title 49, United States Code, is amended by inserting after section 24905 the following:

**''§ 24905A. North Atlantic Rail Interstate Compact; North Atlantic Rail Network**

''(a) NORTH ATLANTIC RAIL INTERSTATE COMPACT.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary of Transportation shall appoint a director for the North Atlantic Rail Interstate Compact (referred to in this section as the 'Compact') in collaboration with states identified in paragraph (2)(A).

''(2) BOARD OF DIRECTORS.—

''(A) COMPOSITION.—The Compact shall be governed by a board of directors, which shall be composed of directors, of whom—

''(i) 2 directors shall be appointed by the Secretary of Transportation;

''(ii) 1 director shall be appointed by the Chief Executive Officer of Amtrak;

''(iii) 2 directors shall be appointed by the Governor of Connecticut;

''(iv) 2 directors shall be appointed by the Governor of Maine;

''(v) 2 directors shall be appointed by the Governor of Massachusetts;

''(vi) 2 directors shall be appointed by the Governor of New Hampshire;

''(vii) 2 directors shall be appointed by the Governor of New York;

''(viii) 2 directors shall be appointed by the Governor of Rhode Island; and

''(ix) 2 directors shall be appointed by the Governor of Vermont.

''(B) TERM; QUALIFICATIONS.—Of the individuals appointed pursuant to each of the clauses (iii) through (ix) of paragraph (1)—

''(i) 1 shall be the head of the respective State department of transportation; and

''(ii) the other director appointed by the respective governor—

''(I) shall serve for a 5-year term;

''(II) shall be a resident of the appointing governor's State;

''(III) may not be an employee of the government of such State; and

''(IV) shall be an expert in transportation policy, finance, public policy, planning or a related discipline associated with the purpose and mission of the Compact.

''(C) NO COMPENSATION.—Directors shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions of subchapter I of chapter 57 of title 5, United States Code.

''(3) PURPOSE.—The purpose of the Compact shall be to construct, on an accelerated basis, a North Atlantic Rail Network in order—

''(A) to provide clean, safe, coordinated and efficient high-speed and high-performance passenger rail transportation in the 7-State North Atlantic Rail Network region; including the improvement of existing intercity passenger rail services;

''(B) to reduce carbon emissions from auto and air transportation in such region in order to meet the greenhouse gas performance targets established under section 150(d) of title 23; and

''(C) to provide employment opportunities and economic development in the cities and regions served by a North Atlantic Rail Network.

''(4) STAFFING.—The directors and officers of the Compact may appoint and fix the pay of such personnel, as they consider necessary and appropriate, to advance the design and construction of a North Atlantic Rail Network.

''(5) COORDINATION.—The Compact, in designing and constructing a North Atlantic Rail Network, shall coordinate and cooperate with—

''(A) the Secretary of Transportation;

''(B) the Northeast Corridor Commission;

''(C) Amtrak;

''(D) State departments of transportation, regional transportation authorities, and other State-established entities, responsible for the provision of passenger rail in the North Atlantic Rail Network region; and

''(E) freight railroads that host passenger trains or operate freight trains over passenger rail lines within the territory.

''(b) NORTH ATLANTIC RAIL NETWORK.—

''(1) CREATION.—Notwithstanding the existing service along the Northeast Corridor, the Compact shall construct a North Atlantic Rail Network, which may include—

''(A) additional high-speed rail service between Boston and New York;

''(B) a high-performance network of intercity passenger rail transportation throughout the 7-State region; and

''(C) an integrated network of metropolitan passenger rail transportation coordinated with the high-speed rail service referred to in subparagraph (A).

''(2) AUTHORIZATIONS.—The Compact shall have the same authorities provided to interstate compacts in section 410 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 note), including—

''(A) receiving appropriations—

''(i) to plan, design, engineer, and acquire property (including railroad rights-of-way);

''(ii) to conduct competitive procurements;

''(iii) to enter into construction contracts;

''(iv) to form project labor agreements; and

''(v) to construct a North Atlantic Rail Network;

''(B) utilizing all design-build and other alternative procurement policies and practices approved by the Department of Transportation;

''(C) utilizing existing authorities to expedite reviews for infrastructure investment within existing rights of way under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(D) contracting with Amtrak, State departments of transportation, or related operating entities within the 7-State North Atlantic Rail Network region to design or construct elements of a North Atlantic Rail Network.

''(3) COMMENCEMENT OF OPERATIONS.—The Compact shall commence operations and be eligible for appropriated funding in any State that has ratified the Compact, upon the ratification of a minimum of 2 states of the Compact.

''(4) RESPONSIBILITIES.—If a State department of transportation or its related operating entity owns the right-of-way for a rail line segment within a North Atlantic Rail Network, such department or entity shall be responsible for the design and construction of improvements on such segment of a North Atlantic Rail Network.

''(5) WORK PERFORMED ON RIGHT-OF-WAY.—Notwithstanding paragraph (2)(D), all work done in existing rail right-of-way shall be performed only in accordance with the rail collective bargaining agreements applicable to work performed on such right-of-way.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 249 of title 49, United States Code, is amended by inserting after the item relating to section 24905 the following:

''24905A. North Atlantic Rail Interstate Compact; North Atlantic Rail Network.''.

(c) SUNSET.—Upon the earlier of the completion of the construction of all of the elements of a North Atlantic Rail Network created pursuant to subsection (b)(1) of section 24905A of title 49, United States Code, as added by this Act, or the date that is 20 years after the date of the enactment of this Act—

(1) the North Atlantic Rail Interstate Compact established pursuant to subsection (a)(1) of such section shall be dissolved; and

(2) the assets of the North Atlantic Rail Interstate Compact shall be transferred to Amtrak.

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**SA 2143.** Mr. KAINE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, strike line 17 and insert the following:

the project is located on a Federal-aid highway.

''(t) STATE OF GOOD REPAIR.—

''(1) IN GENERAL.—The Secretary shall not approve any project funded, in whole or in part, with funds apportioned pursuant to section 104(b) that will result in new through travel lanes for single occupancy vehicles, excluding auxiliary lanes and high occupancy vehicle toll lanes pursuant to section 166, unless the State or project sponsor—

''(A) has demonstrated progress in achieving a state of good repair as required by the State's asset management plan under section 119(e) of this title;

''(B) demonstrates that the project—

''(i) supports the achievement of performance targets of the State established under section 150; and

''(ii) is more cost effective, as determined by benefit-cost analysis, than—

''(I) an operational improvement to the facility or corridor;

''(II) the construction of a public transportation project eligible for assistance under chapter 53 of title 49; and

''(III) the construction of a non-single occupancy passenger vehicle project that improves freight movement; and

''(C) has a public plan for maintaining and operating the new asset while continuing progress of the State or project sponsor in achieving a state of good repair under subparagraph (A).

''(2) BENEFIT-COST ANALYSIS.—In carrying out paragraph (1)(B)(ii), the Secretary shall establish a process for analyzing the cost and benefits of projects under that paragraph, ensuring that—

''(A) the benefit-cost analysis includes a calculation of all the benefits addressed in the performance measures established under section 150;

''(B) the benefit-cost analysis includes a consideration of the total maintenance cost of an asset over the lifecycle of the asset; and

''(C) the State demonstrates that any transportation demand modeling used to calculate the benefit-cost analysis is based on retrospective analysis of the accuracy of past forecasting and calibration to real-word conditions or has a documented record of accuracy.

''(3) SAVINGS CLAUSE.—The provisions of this subsection shall not apply to any project that is fully funded in an adopted State transportation improvement program as of the date of enactment of this subsection.''.

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**SA 2144.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2160, between lines 17 and 18, insert the following:

(F) The eligible entity has demonstrated that the middle mile infrastructure will connect historically black colleges and universities and minority service institutions with other such colleges, universities, and institutions for collaboration and resource sharing.

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**SA 2145.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2173, strike line 24 and all that follows through page 2174, line 11, and insert the following:

''(A) IN GENERAL.—A participating provider shall allow an eligible household to apply the affordable connectivity benefit to any internet service offering of the participating provider at the same terms available to households that are not eligible households.

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**SA 2146.** Mr. WICKER submitted an amendment intended to be proposed to

amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2081, strike line 3 and all that follows through ''(3)'' on line 7 and insert the following:
Act''); and
(2)

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**SA 2147.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 90008.

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**SA 2148.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2191, strike line 6 and all that follows through page 2192, line 12, and insert the following:
(b) NOTICE OF INQUIRY.—Not later than 2 years after the date of enactment of this Act, the Commission shall initiate a notice of inquiry examining obstacles to equal access to broadband internet access service, taking into account the issues of technical and economic feasibility presented by that objective, including—
(1) preventing digital discrimination of access based on income level, race, ethnicity, color, religion, or national origin; and
(2) identifying necessary steps for the Commissions to take to eliminate discrimination described in paragraph (1).

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**SA 2149.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2162, strike line 10 and all that follows through page 2163, line 19, and insert the following:
(i) USE OF MOST RECENT DATA.—In mapping out gaps in broadband coverage, an eligible entity that uses a middle mile grant to build out terrestrial or fixed wireless middle mile infrastructure shall use the most recent broadband mapping data available from the FCC fixed broadband map.

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**SA 2150.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2052, strike line 15 and all that follows through page 2053, line 16, and insert the following:
(f) USE OF FUNDS.—An eligible entity may use grant funds received under this section to competitively award subgrants for—
(1) unserved service projects and underserved service projects;
(2) connecting eligible community anchor institutions; and
(3) installing internet and Wi-Fi infrastructure or providing reduced-cost broadband within a multi-family residential building, with priority given to a residential building that—
(A) has a substantial share of unserved households; or
(B) is in a location in which the percentage of individuals with a household income that is at or below 150 percent of the poverty line applicable to a family of the size involved (as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) is higher than the national percentage of such individuals.
Beginning on page 2053, strike line 18 and all that follows through page 2054, line 23, and insert the following:
(1) SUBGRANTEE OBLIGATIONS.—A subgrantee, in carrying out activities using amounts received from an eligible entity under this section—
(A) shall adhere to quality-of-service standards, as established by the Assistant Secretary;
(B) shall incorporate best practices, as defined by the Assistant Secretary, for ensuring reliability and resilience of broadband infrastructure; and
(C) may not use the amounts to purchase or support—
(i) any covered communications equipment or service, as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608); or
(ii) fiber optic cable and optical transmission equipment manufactured in the People's Republic of China.
Beginning on page 2060, strike line 17 and all that follows through page 2061, line 2, and insert the following:
(D) NTIA AUTHORITY.—The Assistant Secretary may modify the challenge process required under subparagraph (A) as necessary.
On page 2071, strike lines 1 through 7 and insert the following:
(6) RETURN OF FUNDS.—An entity that receives a subgrant from an eligible entity under subsection (f) and fails to comply with any requirement under this subsection during the pendency of the grant shall, after being provided a reasonable opportunity to cure the violation, return an amount of the subgrant that is proportional to the gravity of the violation, up to the entire amount of the subgrant, to the eligible entity, at the discretion of the eligible entity or the Assistant Secretary.
On page 2080, strike lines 3 through 21 and insert the following:
(n) JUDICIAL REVIEW.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to review a decision of the Assistant Secretary made under this section.

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**SA 2151.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. GRANTS FOR BROADCAST INTERNET AND PUBLIC TELEVISION.**

(a) DEFINITIONS.—In this section:
(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.
(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.
(3) CONSTRUCTION PERMIT.—The term ''construction permit'' has meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).
(4) COVERED GRANT.—The term ''covered grant'' means a grant awarded under subsection (b).
(5) ELIGIBLE BROADCASTER.—The term ''eligible broadcaster'' means a commercial or noncommercial broadcast television licensee or permittee that was, before the date of enactment of this Act—
(A) licensed by the Commission; or
(B) granted a construction permit for a station.
(6) LICENSEE.—The term ''licensee'' has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).
(7) PERMITTEE.—The term ''permitee'' means the holder of a television construction permit granted by the Commission.
(8) PUBLIC TELECOMMUNICATIONS ENTITY; PUBLIC TELECOMMUNICATIONS FACILITIES; PUBLIC TELECOMMUNICATIONS SERVICES.—The terms ''public telecommunications entity'', ''public telecommunications facilities'', and ''public telecommunications services'' have the meanings given those terms in section 397 of the Communications Act of 1934 (47 U.S.C. 397).

(b) BROADCAST INTERNET AND PUBLIC BROADCASTING GRANTS.—
(1) IN GENERAL.—The Assistant Secretary shall establish a program, to be known as the ''Broadcast Internet and Public Broadcasting Grant Program'', under which the Assistant Secretary makes grants—
(A) to eligible broadcasters to facilitate the construction of or reasonable upgrades to facilities of those eligible broadcasters to enable the offering of broadcast services utilizing the ATSC 3.0 broadcast television standard, including datacasting enabled by ATSC 3.0, as permitted under section 336 of the Communications Act of 1934 (47 U.S.C. 336) and parts 73 and 74 of title 47, Code of Federal Regulations;
(B) to eligible broadcasters to facilitate the construction of or reasonable upgrades to facilities of those eligible broadcasters to

enable the deployment of distributed transmission systems (also known as ''single frequency networks''), as permitted under section 73.626 of title 47, Code of Federal Regulations; and

(C) in consultation with the Corporation for Public Broadcasting, to public telecommunications entities to facilitate the construction, updates, replacement, and repair of public telecommunications facilities to maintain or improve public telecommunications services provided by those public telecommunications entities to the American public through broadcast and digital distribution technologies.

(2) APPLICATION FOR GRANT.—

(A) IN GENERAL.—The Assistant Secretary shall establish an application process for covered grants.

(B) SELECTION PRIORITY.—In selecting projects to be funded by a covered grant, the Assistant Secretary shall apply the criteria established by the rules promulgated under subsection (c).

(c) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary shall promulgate rules that—

(1) establish the requirements for applications for covered grants;

(2) identify the criteria to be used by the Assistant Secretary in prioritizing projects;

(3) identify reasonable eligible costs to be presumptively approved by the Assistant Secretary in awarding covered grants; and

(4) establish procedures for the submission and review of cost estimates and other materials related to those costs consistent with the rules promulgated under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000,000 for fiscal year 2022, to remain available until expended, of which—

(A) not more than $3,700,000,000 may be used for grants under subsection (b)(1)(A);

(B) not more than $1,000,000,000 maybe used for grants under subsection (b)(1)(B); and

(C) not more than $300,000,000 may be used for grants under subsection (b)(1)(C).

(2) ADMINISTRATION.—The Assistant Secretary may reserve not more than 4 percent of the funds made available under paragraph (1) for reasonable administrative costs associated with the grant program established under subsection (b).

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**SA 2152.** Mr. GRASSLEY (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division F, add the following:

**TITLE VI—STATE FUNDING UNDER RURAL UTILITIES SERVICE PROGRAMS**

**SEC. 60601. STATE FUNDING UNDER RURAL UTILITIES SERVICE PROGRAMS.**

(a) ELIGIBILITY OF PROJECTS THAT RECEIVE STATE FUNDING.—Title VII of the Rural Electrification Act of 1936 (7 U.S.C. 950cc et seq.) is amended by adding at the end the following:

**''SEC. 704. ELIGIBILITY OF PROJECTS THAT RECEIVE STATE FUNDING.**

''In administering any broadband or telecommunications program, the Secretary, acting through the Administrator of the Rural Utilities Service, shall not determine that a project is ineligible for funding because the project has received funding from a State.''.

(b) STATE FUNDS TO SATISFY MATCHING REQUIREMENTS.—For purposes of any matching funds requirement under any program administered by the Secretary of Agriculture, acting through the Administrator of the Rural Utilities Service, an applicant for funding under that program may use funds received from a State program (including funds received by a State from the Federal Government) to satisfy the matching funds requirement.

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**SA 2153.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF FUNDS.**

A grantee or subgrantee carrying out a program, project, or activity that is, in whole or in part, carried out using funds provided by the Department of Energy or the Department of Transportation shall clearly state, to the extent possible, in any statement, press release, request for proposals, bid solicitation, or other document describing the program, project, or activity, other than a communication containing not more than 280 characters—

(1) the percentage of the total costs of the program, project, or activity that will be financed with funds provided by the Department of Energy or the Department of Transportation;

(2) the dollar amount of the funds provided by the Department of Energy or the Department of Transportation made available for the program, project, or activity; and

(3) the percentage of the total costs of, and dollar amount for, the program, project, or activity that will be financed by nongovernmental sources.

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**SA 2154.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division C, insert the following:

**SEC. _____. PROHIBITION ON USE OF FEDERAL FUNDS FOR CERTAIN TRANSIT AND RAIL PROJECTS.**

Notwithstanding any other provision of law, the Secretary of Transportation shall not provide any new assistance for a transit or rail project if—

(1) the overall cost projection to complete the project exceeds the original cost projection by at least $1,000,000,000; and

(2) the operational and administrative costs of the service provided by the project are projected to exceed the revenues generated from ridership annually over the next decade.

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**SA 2155.** Mr. CORNYN (for himself, Mr. PADILLA, and Ms. LUMMIS) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

**SEC. ___. AUTHORITY TO USE CORONAVIRUS RELIEF FUNDS FOR INFRASTRUCTURE PROJECTS.**

(a) IN GENERAL.—Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended—

(1) in section 601(d)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and adjusting the margins accordingly;

(B) by striking ''A State, Tribal government, and unit of local government'' and inserting the following:

''(1) IN GENERAL.—A State, Tribal government, and unit of local government''; and

(C) by adding at the end the following new paragraph:

''(2) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a State, Tribal government, or unit of local government may use funds provided under a payment made under this section for a project described in subparagraph (B), including—

''(i) in the case of a project described in clause (xi), (xii), or (xiii) of that subparagraph, to satisfy a non-Federal share requirement applicable to such a project; and

''(ii) in the case of a project described in clause (xiii) of that subparagraph, to repay a loan provided under the program described in that clause.

''(B) PROJECTS DESCRIBED.—A project referred to in subparagraph (A) is any of the following:

''(i) A project eligible under section 133 of title 23, United States Code.

''(ii) A project eligible under section 119 of title 23, United States Code.

''(iii) A project eligible under section 148 of title 23, United States Code.

''(iv) A project eligible under section 167 of title 23, United States Code.

''(v) A project eligible under section 149 of title 23, United States Code.

''(vi) An activity to carry out section 134 of title 23, United States Code.

''(vii) A project eligible under section 202 of title 23, United States Code.

''(viii) A project eligible under section 203 of title 23, United States Code.

''(ix) A project eligible under section 204 of title 23, United States Code.

''(x) A project eligible under section 165 of title 23, United States Code.

''(xi) A project that receives a grant under section 117 of title 23, United States Code.

''(xii) A project that receives a grant under the program for national infrastructure investments (commonly known as the 'Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program').

''(xiii) A project that receives credit assistance under the TIFIA program under chapter 6 of title 23, United States Code.

''(xiv) A project that receives a grant under section 5309 of title 49, United States Code.

''(xv) A project that receives a grant under section 5337 of title 49, United States Code.

''(xvi) A project that receives a grant under section 5339 of title 49, United States Code.

''(xvii) A project that receives a grant under section 5307 of title 49, United States Code.

''(xviii) A project that receives a grant under section 5311 of title 49, United States Code.

''(xix) A project carried out using funds made available under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(C) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, in the case of a project described in clauses (i) through (x) of subparagraph (B) that is carried out with funds provided under a payment made under this section, the State, Tribal government, or unit of local government shall not be required to provide a non-Federal share.

''(D) AVAILABILITY.—Funds provided under a payment made under this section to a State, Tribal government, or unit of local government shall remain available for the use described in subparagraph (A) after December 31, 2021, to the extent that, not later than 1 year after the date of enactment of this paragraph, the State, Tribal government, or unit of local government allocates such funds (in accordance with a process to be established by the Secretary) to a project described in subparagraph (B).'';

(2) in section 602—

(A) in subsection (a)(1), by inserting ''(except as provided in subsection (c)(4))'' after ''December 31, 2024''; and

(B) in subsection (c)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''; and

(ii) by adding at the end the following new paragraph:

''(4) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a State, territory, or Tribal government receiving a payment under this section may use funds provided under such payment for a project described in subparagraph (B), including—

''(i) in the case of a project described in clause (xi), (xii), or (xiii) of that subparagraph, to satisfy a non-Federal share requirement applicable to such a project; and

''(ii) in the case of a project described in clause (xiii) of that subparagraph, to repay a loan provided under the program described in that clause.

''(B) PROJECTS DESCRIBED.—A project referred to in subparagraph (A) is any of the following:

''(i) A project eligible under section 133 of title 23, United States Code.

''(ii) A project eligible under section 119 of title 23, United States Code.

''(iii) A project eligible under section 148 of title 23, United States Code.

''(iv) A project eligible under section 167 of title 23, United States Code.

''(v) A project eligible under section 149 of title 23, United States Code.

''(vi) An activity to carry out section 134 of title 23, United States Code.

''(vii) A project eligible under section 202 of title 23, United States Code.

''(viii) A project eligible under section 203 of title 23, United States Code.

''(ix) A project eligible under section 204 of title 23, United States Code.

''(x) A project eligible under section 165 of title 23, United States Code.

''(xi) A project that receives a grant under section 117 of title 23, United States Code.

''(xii) A project that receives a grant under the program for national infrastructure investments (commonly known as the 'Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program').

''(xiii) A project that receives credit assistance under the TIFIA program under chapter 6 of title 23, United States Code.

''(xiv) A project that receives a grant under section 5309 of title 49, United States Code.

''(xv) A project that receives a grant under section 5337 of title 49, United States Code.

''(xvi) A project that receives a grant under section 5339 of title 49, United States Code.

''(xvii) A project that receives a grant under section 5307 of title 49, United States Code.

''(xviii) A project that receives a grant under section 5311 of title 49, United States Code.

''(xix) A project that receives a grant under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(C) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, in the case of a project described in clauses (i) through (x) of subparagraph (B) that is carried out with funds provided under a payment made under this section, the State, territory, or Tribal government shall not be required to provide a non-Federal share.

''(D) AVAILABILITY.—Funds provided under a payment made under this section to a State, territory, or Tribal government shall remain available for the use described in subparagraph (A) after December 31, 2024, to the extent that, not later than such date, the State, territory, or Tribal government allocates such funds (in accordance with a process to be established by the Secretary) to a project described in subparagraph (B).''; and

(C) in subsection (g)(1)(B), by striking ''have been expended or returned to, or recovered by, the Secretary.'' and inserting the following: ''have been—

''(i) expended or returned to, or recovered by, the Secretary; or

''(ii) allocated by the State, territory, or Tribal government for a project described in subparagraph (B) of subsection (c)(4) in accordance with subparagraph (D) of such subsection.''; and

(3) in subsection 603—

(A) in subsection (a), by inserting ''(except as provided in subsection (c)(5))'' after ''December 31, 2024''; and

(B) in subsection (c)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''; and

(ii) by adding at the end the following new paragraph:

''(5) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a metropolitan city, nonentitlement unit of local government, or county receiving a payment under this section may use funds provided under such payment for a project described in subparagraph (B), including—

''(i) in the case of a project described in clause (xi), (xii), or (xiii) of that subparagraph, to satisfy a non-Federal share requirement applicable to such a project; and

''(ii) in the case of a project described in clause (xiii) of that subparagraph, to repay a loan provided under the program described in that clause.

''(B) PROJECTS DESCRIBED.—A project referred to in subparagraph (A) is any of the following:

''(i) A project eligible under section 133 of title 23, United States Code.

''(ii) A project eligible under section 119 of title 23, United States Code.

''(iii) A project eligible under section 148 of title 23, United States Code.

''(iv) A project eligible under section 167 of title 23, United States Code.

''(v) A project eligible under section 149 of title 23, United States Code.

''(vi) An activity to carry out section 134 of title 23, United States Code.

''(vii) A project eligible under section 202 of title 23, United States Code.

''(viii) A project eligible under section 203 of title 23, United States Code.

''(ix) A project eligible under section 204 of title 23, United States Code.

''(x) A project eligible under section 165 of title 23, United States Code.

''(xi) A project that receives a grant under section 117 of title 23, United States Code.

''(xii) A project that receives a grant under the program for national infrastructure investments (commonly known as the 'Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program').

''(xiii) A project that receives credit assistance under the TIFIA program under chapter 6 of title 23, United States Code.

''(xiv) A project that receives a grant under section 5309 of title 49, United States Code.

''(xv) A project that receives a grant under section 5337 of title 49, United States Code.

''(xvi) A project that receives a grant under section 5339 of title 49, United States Code.

''(xvii) A project that receives a grant under section 5307 of title 49, United States Code.

''(xviii) A project that receives a grant under section 5311 of title 49, United States Code.

''(xix) A project that receives a grant under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(C) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, in the case of a project described in clauses (i) through (x) of subparagraph (B) that is carried out with funds provided under a payment made under this section, the metropolitan city, nonentitlement unit of local government, or county shall not be required to provide a non-Federal share.

''(D) AVAILABILITY.—Funds provided under a payment made under this section to a metropolitan city, nonentitlement unit of local government, or county shall remain available for the use described in subparagraph (A) after December 31, 2024, to the extent that, not later than such date, the metropolitan city, nonentitlement unit of local government, or county allocates such funds (in accordance with a process to be established by the Secretary) to a project described in subparagraph (B).''.

(b) TECHNICAL AMENDMENTS.—Sections 602(c)(3) and 603(c)(3) of title VI of the Social Security Act (42 U.S.C. 802(c)(3), 803(c)(3)) are each amended by striking ''paragraph (17) of''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in—

(1) in the case of the amendments made by subsection (a)(1), the enactment of the CARES Act (Public Law 116–136); and

(2) in the case of the amendments made by paragraphs (2) and (3) of subsection (a) and

subsection (b), the enactment of the American Rescue Plan Act of 2021 (Public Law 117–2).

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**SA 2156.** Mr. GRAHAM (for himself and Mr. LUJÁN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

**SEC. _____. E-RATE SUPPORT FOR SCHOOL BUS WI-FI.**

(a) DEFINITION.—In this section, the term ''school bus'' means a passenger motor vehicle that is—

(1) designed to carry a driver and not less than 5 passengers; and

(2) used significantly to transport early child education, elementary school, or secondary school students to or from school or an event related to school.

(b) RULEMAKING.—Notwithstanding the limitations under paragraphs (1)(B) and (2)(A) of section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) regarding the authorized recipients and uses of discounted telecommunications services, not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall commence a rulemaking to make the provision of Wi-Fi access on school buses eligible for support under the E-rate program of the Commission set forth under subpart F of part 54 of title 47, Code of Federal Regulations.

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**SA 2157.** Mr. CRAPO (for himself, Mr. WYDEN, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 41202 of division D and insert the following:

**SEC. 41202. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.**

(a) DEFINITION OF FULL FUNDING AMOUNT.—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102(11)) is amended by striking subparagraphs (D) and (E) and inserting the following:

''(D) for fiscal year 2017, the amount that is equal to 95 percent of the full funding amount for fiscal year 2015;

''(E) for each of fiscal years 2018 through 2020, the amount that is equal to 95 percent of the full funding amount for the preceding fiscal year; and

''(F) for fiscal year 2021 and each fiscal year thereafter, the amount that is equal to the full funding amount for fiscal year 2017.''.

(b) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(1) SECURE PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended, in subsections (a) and (b), by striking ''2015, 2017, 2018, 2019, and 2020'' each place it appears and inserting ''2015 and 2017 through 2023''.

(2) COUNTY PAYMENT ELECTIONS.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''and August 1 of each second fiscal year thereafter'' and inserting ''by August 1 of each second fiscal year thereafter through fiscal year 2021, and by September 30, 2022, for the payment for fiscal year 2022''; and

(ii) in subparagraph (D)—

(I) in the subparagraph heading, by striking ''2020'' and inserting ''2021''; and

(II) by striking ''2020'' and inserting ''2021''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''2020'' and inserting ''2021''; and

(ii) in subparagraph (B)—

(I) by striking ''2013, the election'' and inserting ''2013'';

(II) by striking ''2020'' and inserting ''2021'';

(III) by striking ''If a county elects'' and inserting the following:

''(i) ELECTION FOR FISCAL YEAR 2013.—A county election''; and

(IV) by adding at the end the following:

''(ii) ELECTION FOR FISCAL YEAR 2022.—A county election to receive a share of the State payment or county payment for fiscal year 2022 shall be effective for each of fiscal years 2022 and 2023.''.

(3) COUNTY ALLOCATION ELECTIONS.—Section 102(d) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)) is amended—

(A) in subparagraph (F) of paragraph (1)—

(i) in the subparagraph heading, by striking ''2020'' and inserting ''2021''; and

(ii) by striking ''2020'' and inserting ''2021''; and

(B) in subparagraph (D) of paragraph (3)—

(i) in the subparagraph heading, by striking ''2020'' and inserting ''2021''; and

(ii) by striking ''2020'' and inserting ''2021''.

(4) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking ''2020'' and inserting ''2023''.

(c) PILOT PROGRAM TO STREAMLINE NOMINATION OF MEMBERS OF RESOURCE ADVISORY COMMITTEES.—Section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125) is amended by striking subsection (g) and inserting the following:

''(g) RESOURCE ADVISORY COMMITTEE APPOINTMENT PILOT PROGRAMS.—

''(1) DEFINITIONS.—In this subsection:

''(A) APPLICABLE DESIGNEE.—The term 'applicable designee' means the applicable regional forester.

''(B) NATIONAL PILOT PROGRAM.—The term 'national pilot program' means the national pilot program established under paragraph (4)(A).

''(C) REGIONAL PILOT PROGRAM.—The term 'regional pilot program' means the regional pilot program established under paragraph (3)(A).

''(2) ESTABLISHMENT OF PILOT PROGRAMS.—In accordance with paragraphs (3) and (4), the Secretary concerned shall carry out 2 pilot programs to appoint members of resource advisory committees.

''(3) REGIONAL PILOT PROGRAM.—

''(A) IN GENERAL.—The Secretary concerned shall carry out a regional pilot program to allow an applicable designee to appoint members of resource advisory committees.

''(B) GEOGRAPHIC LIMITATION.—The regional pilot program shall only apply to resource advisory committees chartered in—

''(i) the State of Montana; and

''(ii) the State of Arizona.

''(C) RESPONSIBILITIES OF APPLICABLE DESIGNEE.—

''(i) REVIEW.—Before appointing a member of a resource advisory committee under the regional pilot program, an applicable designee shall conduct the review and analysis that would otherwise be conducted for an appointment to a resource advisory committee if the regional pilot program was not in effect, including any review and analysis with respect to civil rights and budgetary requirements.

''(ii) SAVINGS CLAUSE.—Nothing in this paragraph relieves an applicable designee from any requirement developed by the Secretary concerned for making an appointment to a resource advisory committee that is in effect on December 20, 2018, including any requirement for advertising a vacancy.

''(4) NATIONAL PILOT PROGRAM.—

''(A) IN GENERAL.—The Secretary concerned shall carry out a national pilot program to allow the Chief of the Forest Service or the Director of the Bureau of Land Management, as applicable, to submit to the Secretary concerned nominations of individuals for appointment as members of resource advisory committees.

''(B) APPOINTMENT.—Under the national pilot program, subject to subparagraph (C), not later than 30 days after the date on which a nomination is transmitted to the Secretary concerned under subparagraph (A), the Secretary concerned shall—

''(i) appoint the nominee to the applicable resource advisory committee; or

''(ii) reject the nomination.

''(C) AUTOMATIC APPOINTMENT.—If the Secretary concerned does not act on a nomination in accordance with subparagraph (B) by the date described in that subparagraph, the nominee shall be deemed appointed to the applicable resource advisory committee.

''(D) GEOGRAPHIC LIMITATION.—The national pilot program shall apply to a resource advisory committee chartered in any State other than—

''(i) the State of Montana; or

''(ii) the State of Arizona.

''(E) SAVINGS CLAUSE.—Nothing in this paragraph relieves the Secretary concerned from any requirement relating to an appointment to a resource advisory committee, including any requirement with respect to civil rights or advertising a vacancy.

''(5) TERMINATION OF EFFECTIVENESS.—The authority provided under this subsection terminates on October 1, 2023.

''(6) REPORT TO CONGRESS.—Not later 180 days after the date described in paragraph (5), the Secretary concerned shall submit to Congress a report that includes—

''(A) with respect to appointments made under the regional pilot program compared to appointments made under the national pilot program, a description of the extent to which—

''(i) appointments were faster or slower; and

''(ii) the requirements described in paragraph (3)(C)(i) differ; and

''(B) a recommendation with respect to whether Congress should terminate, continue, modify, or expand the pilot programs.''.

(d) EXTENSION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—

(1) EXISTING ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000

(16 U.S.C. 7125(a)(4)) is amended by striking ''December 20, 2021'' each place it appears and inserting ''December 20, 2023''.

(2) EXTENSION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking ''2022'' and inserting ''2025''; and

(B) in subsection (b), by striking ''2023'' and inserting ''2026''.

(e) ACCESS TO BROADBAND AND OTHER TECHNOLOGY.—Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) to provide or expand access to—

''(A) broadband telecommunications services at local schools; or

''(B) the technology and connectivity necessary for students to use a digital learning tool at or outside of a local school campus.''.

(f) EXTENSION OF AUTHORITY TO EXPEND COUNTY FUNDS.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking ''2022'' and inserting ''2025''; and

(2) in subsection (b), by striking ''2023'' and inserting ''2026''.

(g) AMOUNTS OBLIGATED BUT UNSPENT; PROHIBITION ON USE OF FUNDS.—Title III of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7141 et seq.) is amended—

(1) by redesignating section 304 as section 305; and

(2) by inserting after section 303 the following:

**''SEC. 304. AMOUNTS OBLIGATED BUT UNSPENT; PROHIBITION ON USE OF FUNDS.**

''(a) AMOUNTS OBLIGATED BUT UNSPENT.—Any county funds that were obligated by the applicable participating county before October 1, 2017, but are unspent on October 1, 2020—

''(1) may, at the option of the participating county, be deemed to have been reserved by the participating county on October 1, 2020, for expenditure in accordance with this title; and

''(2)(A) may be used by the participating county for any authorized use under section 302(a); and

''(B) on a determination by the participating county under subparagraph (A) to use the county funds, shall be available for projects initiated after October 1, 2020, subject to section 305.

''(b) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law, effective beginning on the date of enactment of the Infrastructure Investment and Jobs Act, no county funds made available under this title may be used by any participating county for any lobbying activity, regardless of the purpose for which the funds are obligated on or before that date.''.

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**SA 2158.** Ms. ERNST (for herself and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2386, strike lines 14 through 19 and insert the following:

''(3) CLEAN SCHOOL BUS.—The term 'clean school bus' means a school bus that the Administrator certifies reduces emissions and is operated entirely or in part using an alternative fuel.

On page 2390, line 6, insert ''cost'' before ''competitive''.

On page 2390, lines 23 and 24, strike ''and zero-emission school buses''.

On page 2392, line 7, strike ''or''.

On page 2392, strike line 14 and insert the following:

''(iii) issuance of school bonds; or

''(D) propose to replace school buses with clean school buses that utilize alternative fuels created in the United States.

On page 2397, lines 5 and 6, strike ''and zero-emission school buses''.

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**SA 2159.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division F, add the following:

**TITLE VI—NO REGULATION OF RATES PERMITTED**

**SEC. 60601. NO REGULATION OF RATES PERMITTED.**

Nothing in this division may be construed to authorize any Federal or State agency or entity to regulate the rates charged for broadband service.

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**SA 2160.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

**SEC. _____. TELECOMMUNICATIONS WORKFORCE TRAINING GRANT PROGRAM.**

(a) SHORT TITLE.—This section may be cited as the ''Improving Minority Participation And Careers in Telecommunications Act'' or the ''IMPACT Act''.

(b) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(2) COVERED GRANT.—The term ''covered grant'' means a grant awarded under subsection (c).

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means a historically Black college or university, Tribal College or University, or minority-serving institution, or a consortium of such entities, that forms a partnership with 1 or more of the following entities to carry out a training program:

(A) A member of the telecommunications industry, such as a company or industry association.

(B) A labor or labor-management organization with experience working in the telecommunications industry or a similar industry.

(C) The Telecommunications Industry Registered Apprenticeship Program.

(D) A nonprofit organization dedicated to helping individuals gain employment in the telecommunications industry.

(E) A community or technical college with experience in providing workforce development for individuals seeking employment in the telecommunications industry or a similar industry.

(F) A Federal agency laboratory specializing in telecommunications technology.

(4) FUND.—The term ''Fund'' means the Telecommunications Workforce Training Grant Program Fund established under subsection (d)(1).

(5) GRANT PROGRAM.—The term ''Grant Program'' means the Telecommunications Workforce Training Grant Program established under subsection (c).

(6) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' has the meaning given the term ''part B institution'' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(7) INDUSTRY FIELD ACTIVITIES.—The term ''industry field activities'' means activities at active telecommunications, cable, and broadband network worksites, such as towers, construction sites, and network management hubs.

(8) INDUSTRY PARTNER.—The term ''industry partner'' means an entity described in subparagraphs (A) through (F) of paragraph (3) with which an eligible entity forms a partnership to carry out a training program.

(9) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(10) TRAINING PROGRAM.—The term ''training program'' means a credit or non-credit program developed by an eligible entity, in partnership with an industry partner, that—

(A) is designed to educate and train students to participate in the telecommunications workforce; and

(B) includes a curriculum and apprenticeship or internship opportunities that can also be paired with—

(i) a degree program; or

(ii) stacked credentialing toward a degree.

(11) TRIBAL COLLEGE OR UNIVERSITY.—The term ''Tribal College or University'' has the meaning given the term in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

(c) PROGRAM.—The Assistant Secretary, acting through the Office of Minority Broadband Initiatives established under section 902(b)(1) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), shall establish a program, to be known as the ''Telecommunications Workforce Training Grant Program'', under which the Assistant Secretary awards grants to eligible entities to develop training programs.

(d) FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Telecommunications Workforce Training Grant Program Fund''.

(2) AVAILABILITY.—Amounts in the Fund shall be available to the Assistant Secretary to carry out the Grant Program.

(e) APPLICATION.—

(1) IN GENERAL.—An eligible entity desiring a covered grant shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

(2) CONTENTS.—An eligible entity shall include in an application under paragraph (1)—

(A) a commitment from the industry partner of the eligible entity to collaborate with the eligible entity to develop a training program, including curricula and internships or apprenticeships;

(B) a description of how the eligible entity plans to use the covered grant, including the type of training program the eligible entity plans to develop;

(C) a plan for recruitment of students and potential students to participate in the training program;

(D) a plan to increase female student participation in the training program of the eligible entity; and

(E) a description of potential jobs to be secured through the training program, including jobs in the communities surrounding the eligible entity.

(f) USE OF FUNDS.—An eligible entity may use a covered grant, with respect to the training program of the eligible entity, to—

(1) hire faculty members to teach courses in the training program;

(2) train faculty members to prepare students for employment in jobs related to the deployment of next-generation wired and wireless communications networks, including 5G networks, hybrid fiber-coaxial networks, and fiber infrastructure, particularly in—

(A) broadband and wireless network engineering;

(B) network deployment and maintenance;

(C) industry field activities; and

(D) cybersecurity;

(3) design and develop curricula and other components necessary for degrees, courses, or programs of study, including certificate programs and credentialing programs, that comprise the training program;

(4) pay for costs associated with instruction under the training program, including the costs of equipment, telecommunications training towers, laboratory space, classroom space, and instructional field activities;

(5) fund scholarships, student internships, apprenticeships, and pre-apprenticeship opportunities;

(6) recruit students for the training program; and

(7) support the enrollment in the training program of individuals working in the telecommunications industry in order to advance professionally in the industry.

(g) GRANT AWARDS.—

(1) DEADLINE.—Not later than 2 years after the date on which amounts are appropriated to the Fund pursuant to subsection (m), the Assistant Secretary shall award all covered grants.

(2) MINIMUM ALLOCATION TO CERTAIN ENTITIES.—The Assistant Secretary shall award not less than—

(A) 30 percent of covered grant amounts to historically Black colleges or universities; and

(B) 30 percent of covered grant amounts to Tribal Colleges or Universities.

(3) EVALUATION CRITERIA.—As part of the final rules issued under subsection (h), the Assistant Secretary shall develop criteria for evaluating applications for covered grants.

(4) COORDINATION.—The Assistant Secretary shall ensure that grant amounts awarded under paragraph (2) are coordinated with grant amounts provided under section 902 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(5) CONSTRUCTION.—In awarding covered grants for training or education relating to construction, the Assistant Secretary may prioritize applicants that partner with—

(A) apprenticeship programs;

(B) pre-apprenticeship programs; or

(C) public 2-year community or technical colleges that have a written agreement with 1 or more apprenticeship programs.

(h) RULES.—Not later than 180 days after the date of enactment of this Act, after providing public notice and an opportunity to comment, the Assistant Secretary, in consultation with the Secretary of Labor and the Secretary of Education, shall issue final rules governing the Grant Program.

(i) TERM.—The Assistant Secretary shall establish the term of a covered grant, which may not be less than 5 years.

(j) GRANTEE REPORTS.—During the term of a covered grant received by an eligible entity, the eligible entity shall submit to the Assistant Secretary a semiannual report that, with respect to the preceding 6-month period—

(1) describes how the eligible entity used the covered grant amounts;

(2) describes the progress the eligible entity made in developing and executing the training program of the eligible entity;

(3) describes the number of faculty and students participating in the training program of the eligible entity;

(4) describes the partnership with the industry partner of the eligible entity, including—

(A) the commitments and in-kind contributions made by the industry partner; and

(B) the role of the industry partner in curriculum development, the degree program, and internships and apprenticeships; and

(5) includes data on internship, apprenticeship, and employment opportunities and placements.

(k) OVERSIGHT.—

(1) AUDITS.—The Inspector General of the Department of Commerce shall audit the Grant Program in order to—

(A) ensure that eligible entities use covered grant amounts in accordance with—

(i) the requirements of this section; and

(ii) the overall purpose of the Grant Program, as described in subsection (c); and

(B) prevent waste, fraud, and abuse in the operation of the Grant Program.

(2) REVOCATION OF FUNDS.—The Assistant Secretary shall revoke a grant awarded to an eligible entity that is not in compliance with the requirements of this section or the overall purpose of the Grant Program, as described in subsection (c).

(l) ANNUAL REPORT TO CONGRESS.—Each year, until all covered grants have expired, the Assistant Secretary shall submit to Congress a report that—

(1) identifies each eligible entity that received a covered grant and the amount of the covered grant;

(2) describes the progress each eligible entity described in paragraph (1) has made toward accomplishing the overall purpose of the Grant Program, as described in subsection (c);

(3) summarizes the job placement status or apprenticeship opportunities of students who have participated in the training program of the eligible entity; and

(4) includes the findings of any audits conducted by the Inspector General of the Department of Commerce under subsection (k)(1) that were not included in the previous report submitted under this subsection.

(m) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Fund a total of $100,000,000 for fiscal years 2022 through 2027, to remain available until expended.

(2) ADMINISTRATION.—The Assistant Secretary may use not more than 2 percent of the amounts appropriated to the Fund for the administration of the Grant Program.

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**SA 2161.** Mr. CRAMER (for himself and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division D, insert the following:

**SEC. _____. ELIGIBILITY OF CERTAIN AREAS TO RECEIVE PICK-SLOAN MISSOURI BASIN PROGRAM PUMPING POWER.**

Section 5(a) of Public Law 89–108 (79 Stat. 435; 100 Stat. 419; 114 Stat. 2763A–284) is amended by adding at the end the following:

''(6) ELIGIBILITY OF CERTAIN IRRIGATION DISTRICTS TO RECEIVE PUMPING POWER.—

''(A) DEFINITION OF ELIGIBLE IRRIGATION DISTRICT.—In this paragraph, the term 'eligible irrigation district' means an irrigation district that is located in—

''(i) the test area referred to in paragraph (1); or

''(ii) an area within the 28,000-acre area described in paragraph (3) that is analyzed by the Secretary but not developed under that paragraph.

''(B) ELIGIBILITY.—An eligible irrigation district shall be eligible to receive Pick-Sloan Missouri Basin Program pumping power—

''(i) subject to any terms and at any rates established by the Secretary; and

''(ii) in accordance with a contract entered into under subparagraph (C).

''(C) CONTRACT.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may enter into a contract with an eligible irrigation district to provide Pick-Sloan Missouri Basin Program pumping power to the eligible irrigation district.

''(ii) REQUIREMENT.—No Pick-Sloan Missouri Basin Program pumping power may be delivered to an eligible irrigation district under this paragraph until the date on which a contract authorizing the delivery to the irrigation district is executed under clause (i).''.

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**SA 2162.** Mr. THUNE (for himself, Mr. TESTER, Mr. MORAN, Mr. PETERS, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows:

At the end of division F, insert the following:

**TITLE VI—TELECOMMUNICATIONS INDUSTRY WORKFORCE**

**SEC. 60601. SHORT TITLE.**

This title may be cited as the ''Telecommunications Skilled Workforce Act''.

**SEC. 60602. TELECOMMUNICATIONS INTERAGENCY WORKING GROUP.**

(a) IN GENERAL.—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

**''SEC. 344. TELECOMMUNICATIONS INTERAGENCY WORKING GROUP.**

''(a) DEFINITION.—In this section, the term 'telecommunications interagency working

group' means the interagency working group established under subsection (b)(1).

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Chairman of the Commission, in partnership with the Secretary of Labor, shall establish within the Commission an interagency working group to develop recommendations to address the workforce needs of the telecommunications industry, including the safety of that workforce.

''(2) DATE OF ESTABLISHMENT.—The telecommunications interagency working group shall be considered established on the date on which a majority of the members of the working group have been appointed, consistent with subsection (d).

''(c) DUTIES.—In developing recommendations under subsection (b), the telecommunications interagency working group shall—

''(1) determine whether, and if so how, any Federal laws, regulations, guidance, policies, or practices, or any budgetary constraints, may be amended to strengthen the ability of institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or for-profit businesses to establish, adopt, or expand programs intended to address the workforce needs of the telecommunications industry, including the workforce needed to build and maintain the 5G wireless infrastructure necessary to support 5G wireless technology;

''(2) identify potential policies and programs that could encourage and improve coordination among Federal agencies, between Federal agencies and States, and among States, on telecommunications workforce needs;

''(3) identify ways in which existing Federal programs, including programs that help facilitate the employment of veterans and military personnel transitioning into civilian life, could be leveraged to help address the workforce needs of the telecommunications industry;

''(4) identify ways to improve recruitment in workforce development programs in the telecommunications industry;

''(5) identify Federal incentives that could be provided to institutions of higher education, for-profit businesses, State workforce development boards established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111), or other relevant stakeholders to establish or adopt new programs, expand current programs, or partner with registered apprenticeship programs, to address the workforce needs of the telecommunications industry, including such needs in rural areas;

''(6) identify ways to improve the safety of telecommunications workers, including tower climbers; and

''(7) identify ways that trends in wages, benefits, and working conditions in the telecommunications industry impact recruitment of employees in the sector.

''(d) MEMBERS.—The telecommunications interagency working group shall be composed of the following representatives of Federal agencies and relevant non-Federal industry and labor stakeholder organizations:

''(1) A representative of the Department of Education, appointed by the Secretary of Education.

''(2) A representative of the National Telecommunications and Information Administration, appointed by the Assistant Secretary of Commerce for Communications and Information.

''(3) A representative of the Commission, appointed by the Chairman of the Commission.

''(4) A representative of a registered apprenticeship program in construction or maintenance, appointed by the Secretary of Labor.

''(5) A representative of a telecommunications industry association, appointed by the Chairman of the Commission.

''(6) A representative of an Indian Tribe or Tribal organization, appointed by the Chairman of the Commission.

''(7) A representative of a rural telecommunications carrier, appointed by the Chairman of the Commission.

''(8) A representative of a telecommunications contractor firm, appointed by the Chairman of the Commission.

''(9) A representative of an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), appointed by the Secretary of Education.

''(10) A public interest advocate for tower climber safety, appointed by the Secretary of Labor.

''(11) A representative of the Directorate of Construction of the Occupational Safety and Health Administration, appointed by the Secretary of Labor.

''(12) A representative of a labor organization representing the telecommunications workforce, appointed by the Secretary of Labor.

''(e) NO COMPENSATION.—A member of the telecommunications interagency working group shall serve without compensation.

''(f) OTHER MATTERS.—

''(1) CHAIR AND VICE CHAIR.—The telecommunications interagency working group shall name a chair and a vice chair, who shall be responsible for organizing the business of the working group.

''(2) SUBGROUPS.—The chair and vice chair of the telecommunications interagency working group, in consultation with the other members of the telecommunications interagency working group, may establish such subgroups as necessary to help conduct the work of the telecommunications interagency working group.

''(3) SUPPORT.—The Commission and the Secretary of Labor may detail employees of the Commission and the Department of Labor, respectively, to assist and support the work of the telecommunications interagency working group, though such a detailee shall not be considered to be a member of the working group.

''(g) REPORT TO CONGRESS.—

''(1) REPORT TO CONGRESS.—Not later than 1 year after the date on which the telecommunications interagency working group is established, the working group shall submit a report containing its recommendations to address the workforce needs of the telecommunications industry to—

''(A) the Committee on Commerce, Science, and Transportation of the Senate;

''(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(C) the Committee on Energy and Commerce of the House of Representatives;

''(D) the Committee on Education and Labor of the House of Representatives;

''(E) the Department of Labor; and

''(F) the Commission.

''(2) MAJORITY SUPPORT.—The telecommunications interagency working group may not submit the report under paragraph (1) unless the report has the support of not less than the majority of the members of the working group.

''(3) VIEWS.—The telecommunications interagency working group shall—

''(A) include with the report submitted under paragraph (1) any concurring or dissenting view offered by a member of the working group; and

''(B) identify each member to whom each concurring or dissenting view described in subparagraph (A) should be attributed.

''(4) PUBLIC POSTING.—The Commission and the Secretary of Labor shall make a copy of the report submitted under paragraph (1) available to the public on the websites of the Commission and the Department of Labor, respectively.

''(h) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the telecommunications interagency working group.''.

(b) SUNSET.—Section 344 of the Communications Act of 1934, as added by subsection (a), shall be repealed on the day after the date on which the interagency working group established under subsection (b)(1) of that section submits the report to Congress under subsection (g) of that section.

**SEC. 60603. TELECOMMUNICATIONS WORKFORCE GUIDANCE.**

Not later than 1 year after the date of enactment of this Act, the Secretary of Labor, in partnership with the Chairman of the Federal Communications Commission, shall establish and issue guidance on how States can address the workforce needs and safety of the telecommunications industry, including guidance on how a State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) can—

(1) utilize Federal resources available to States to meet the workforce needs of the telecommunications industry;

(2) promote and improve recruitment in workforce development programs in the telecommunications industry; and

(3) ensure the safety of the telecommunications workforce, including tower climbers.

**SEC. 60604. GAO ASSESSMENT OF WORKFORCE NEEDS OF THE TELECOMMUNICATIONS INDUSTRY.**

(a) DEFINITIONS.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Commerce, Science, and Transportation of the Senate;

(2) the Committee on Health, Education, Labor, and Pensions of the Senate;

(3) the Committee on Energy and Commerce of the House of Representatives; and

(4) the Committee on Education and Labor of the House of Representatives.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that estimates the number of skilled telecommunications workers that will be required to build and maintain—

(1) broadband infrastructure in rural areas, including estimates based on—

(A) current need; and

(B) projected need, if Congress enacts legislation that accelerates broadband infrastructure construction in the United States; and

(2) the wireless infrastructure needed to support 5G wireless technology.

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**SA 2163.** Mr. CARDIN (for himself, Mr. SCOTT of South Carolina, Mr. WICKER, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**DIVISION _____—MINORITY BUSINESS DEVELOPMENT**

**SEC. _____01. SHORT TITLE.**

This division may be cited as the ''Minority Business Development Act of 2021''.

**SEC. _____02. DEFINITIONS.**

In this division:

(1) AGENCY.—The term ''Agency'' means the Minority Business Development Agency of the Department of Commerce.

(2) COMMUNITY-BASED ORGANIZATION.—The term ''community-based organization'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) ELIGIBLE ENTITY.—Except as otherwise expressly provided, the term ''eligible entity''—

(A) means—

(i) a private sector entity;

(ii) a public sector entity; or

(iii) a Native entity; and

(B) includes an institution of higher education.

(4) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551 of title 5, United States Code.

(5) FEDERALLY RECOGNIZED AREA OF ECONOMIC DISTRESS.—The term ''federally recognized area of economic distress'' means—

(A) a HUBZone, as that term is defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b));

(B) an area that—

(i) has been designated as—

(I) an empowerment zone under section 1391 of the Internal Revenue Code of 1986; or

(II) a Promise Zone by the Secretary of Housing and Urban Development; or

(ii) is a low or moderate income area, as determined by the Department of Housing and Urban Development;

(C) a qualified opportunity zone, as that term is defined in section 1400Z–1 of the Internal Revenue Code of 1986; or

(D) any other political subdivision or unincorporated area of a State determined by the Under Secretary to be an area of economic distress.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(7) MBDA BUSINESS CENTER.—The term ''MBDA Business Center'' means a business center that—

(A) is established by the Agency; and

(B) provides technical business assistance to minority business enterprises consistent with the requirements of this division.

(8) MBDA BUSINESS CENTER AGREEMENT.—The term ''MBDA Business Center agreement'' means a legal instrument—

(A) reflecting a relationship between the Agency and the recipient of a Federal assistance award that is the subject of the instrument; and

(B) that establishes the terms by which the recipient described in subparagraph (A) shall operate an MBDA Business Center.

(9) MINORITY BUSINESS ENTERPRISE.—

(A) IN GENERAL.—The term ''minority business enterprise'' means a business enterprise—

(i) that is not less than 51 percent-owned by 1 or more socially or economically disadvantaged individuals; and

(ii) the management and daily business operations of which are controlled by 1 or more socially or economically disadvantaged individuals.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to exclude a business enterprise from qualifying as a ''minority business enterprise'' under that subparagraph because of—

(i) the status of the business enterprise as a for-profit or not-for-profit enterprise; or

(ii) the annual revenue of the business enterprise.

(10) NATIVE ENTITY.—The term ''Native entity'' means—

(A) a Tribal Government;

(B) an Alaska Native village or Regional or Village Corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(C) a Native Hawaiian organization, as that term is defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517);

(D) the Department of Hawaiian Home Lands; and

(E) the Office of Hawaiian Affairs.

(11) PRIVATE SECTOR ENTITY.—The term ''private sector entity''—

(A) means an entity that is not a public sector entity; and

(B) does not include—

(i) the Federal Government;

(ii) any Federal agency; or

(iii) any instrumentality of the Federal Government.

(12) PUBLIC SECTOR ENTITY.—The term ''public sector entity'' means—

(A) a State;

(B) an agency of a State;

(C) a political subdivision of a State;

(D) an agency of a political subdivision of a State; or

(E) a Native entity.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(14) SOCIALLY OR ECONOMICALLY DISADVANTAGED BUSINESS CONCERN.—The term ''socially or economically disadvantaged business concern'' means a for-profit business enterprise—

(A)(i) that is not less than 51 percent owned by 1 or more socially or economically disadvantaged individuals; or

(ii) that is socially or economically disadvantaged; or

(B) the management and daily business operations of which are controlled by 1 or more socially or economically disadvantaged individuals.

(15) SOCIALLY OR ECONOMICALLY DISADVANTAGED INDIVIDUAL.—

(A) IN GENERAL.—The term ''socially or economically disadvantaged individual'' means an individual who has been subjected to racial or ethnic prejudice or cultural bias (or the ability of whom to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same line of business and competitive market area) because of the identity of the individual as a member of a group, without regard to any individual quality of the individual that is unrelated to that identity.

(B) PRESUMPTION.—In carrying out this division, the Under Secretary shall presume that the term ''socially or economically disadvantaged individual'' includes any individual who is—

(i) Black or African American;

(ii) Hispanic or Latino;

(iii) American Indian or Alaska Native;

(iv) Asian;

(v) Native Hawaiian or other Pacific Islander; or

(vi) a member of a group that the Agency determines under part 1400 of title 15, Code of Federal Regulations, as in effect on November 23, 1984, is a socially disadvantaged group eligible to receive assistance.

(16) SPECIALTY CENTER.—The term ''specialty center'' means an MBDA Business Center that provides specialty services focusing on specific business needs, including assistance relating to—

(A) capital access;

(B) Federal procurement;

(C) entrepreneurship;

(D) technology transfer; or

(E) any other area determined necessary or appropriate based on the priorities of the Agency.

(17) STATE.—The term ''State'' means—

(A) each of the States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) the United States Virgin Islands;

(E) Guam;

(F) American Samoa;

(G) the Commonwealth of the Northern Mariana Islands; and

(H) each Tribal Government.

(18) TRIBAL GOVERNMENT.—The term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this division pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(19) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Minority Business Development, who is appointed as described in section _____3(b) to administer this division.

**SEC. _____03. MINORITY BUSINESS DEVELOPMENT AGENCY.**

(a) IN GENERAL.—There is within the Department of Commerce the Minority Business Development Agency.

(b) UNDER SECRETARY.—

(1) APPOINTMENT AND DUTIES.—The Agency shall be headed by the Under Secretary of Commerce for Minority Business Development, who shall—

(A) be appointed by the President, by and with the advice and consent of the Senate;

(B) except as otherwise expressly provided, be responsible for the administration of this division; and

(C) report directly to the Secretary.

(2) COMPENSATION.—

(A) IN GENERAL.—The Under Secretary shall be compensated at an annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) TECHNICAL AND CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking ''and Under Secretary of Commerce for Travel and Tourism'' and inserting ''Under Secretary of Commerce for Travel and Tourism, and Under Secretary of Commerce for Minority Business Development''.

(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Director of the Agency shall be deemed to be a reference to the Under Secretary.

(c) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the organizational structure of the Agency;

(2) the organizational position of the Agency within the Department of Commerce; and

(3) a description of how the Agency shall function in relation to the operations carried out by each other component of the Department of Commerce.

(d) OFFICE OF BUSINESS CENTERS.—

(1) ESTABLISHMENT.—There is established within the Agency the Office of Business Centers.

(2) DIRECTOR.—The Office of Business Centers shall be administered by a Director, who shall be appointed by the Under Secretary.

(e) OFFICES OF THE AGENCY.—

(1) IN GENERAL.—In addition to the regional offices that the Under Secretary is required to establish under paragraph (2), the Under Secretary shall establish such other offices within the Agency as are necessary to carry out this division.

(2) REGIONAL OFFICES.—

(A) IN GENERAL.—In order to carry out this division, the Under Secretary shall establish a regional office of the Agency for each of the regions of the United States, as determined by the Under Secretary.

(B) DUTIES.—Each regional office established under subparagraph (A) shall expand the reach of the Agency and enable the Federal Government to better serve the needs of minority business enterprises in the region served by the office, including by—

(i) understanding and participating in the business environment of that region;

(ii) working with—

(I) MBDA Business Centers that are located in that region;

(II) resource and lending partners of other appropriate Federal agencies that are located in that region; and

(III) Federal, State, and local procurement offices that are located in that region;

(iii) being aware of business retention or expansion programs that are specific to that region;

(iv) seeking out opportunities to collaborate with regional public and private programs that focus on minority business enterprises; and

(v) promoting business continuity and preparedness.

## TITLE I—EXISTING INITIATIVES

### Subtitle A—Market Development, Research, and Information

**SEC. _____101. PRIVATE SECTOR DEVELOPMENT.**

The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

(1) provide Federal assistance to minority business enterprises operating in domestic and foreign markets by making available to those business enterprises, either directly or in cooperation with private sector entities, including community-based organizations and national nonprofit organizations—

(A) resources relating to management;

(B) technological and technical assistance;

(C) financial, legal, and marketing services; and

(D) services relating to workforce development;

(2) encourage minority business enterprises to establish joint ventures and projects—

(A) with other minority business enterprises; or

(B) in cooperation with public sector entities or private sector entities, including community-based organizations and national nonprofit organizations, to increase the share of any market activity being performed by minority business enterprises; and

(3) facilitate the efforts of private sector entities and Federal agencies to advance the growth of minority business enterprises.

**SEC. _____102. PUBLIC SECTOR DEVELOPMENT.**

The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

(1) consult and cooperate with public sector entities for the purpose of leveraging resources available in the jurisdictions of those public sector entities to promote the position of minority business enterprises in the local economies of those public sector entities, including by assisting public sector entities to establish or enhance—

(A) programs to procure goods and services through minority business enterprises and goals for that procurement;

(B) programs offering assistance relating to—

(i) management;

(ii) technology;

(iii) law;

(iv) financing, including accounting;

(v) marketing; and

(vi) workforce development; and

(C) informational programs designed to inform minority business enterprises located in the jurisdictions of those public sector entities about the availability of programs described in this section;

(2) meet with leaders and officials of public sector entities for the purpose of recommending and promoting local administrative and legislative initiatives needed to advance the position of minority business enterprises in the local economies of those public sector entities; and

(3) facilitate the efforts of public sector entities and Federal agencies to advance the growth of minority business enterprises.

**SEC. _____103. RESEARCH AND INFORMATION.**

(a) IN GENERAL.—In order to achieve the purposes of this division, the Under Secretary—

(1) shall—

(A) collect and analyze data, including data relating to the causes of the success or failure of minority business enterprises;

(B) conduct research, studies, and surveys of—

(i) economic conditions generally in the United States; and

(ii) how the conditions described in clause (i) particularly affect the development of minority business enterprises; and

(C) provide outreach, educational services, and technical assistance in, at a minimum, the 5 most commonly spoken languages in the United States to ensure that limited English proficient individuals receive culturally and linguistically appropriate access to the services and information provided by the Agency; and

(2) may perform an evaluation of programs carried out by the Under Secretary that are designed to assist the development of minority business enterprises.

(b) INFORMATION CLEARINGHOUSE.—The Under Secretary shall—

(1) establish and maintain an information clearinghouse for the collection and dissemination to relevant parties (including business owners and researchers) of demographic, economic, financial, managerial, and technical data relating to minority business enterprises; and

(2) take such steps as the Under Secretary may determine to be necessary and desirable to—

(A) search for, collect, classify, coordinate, integrate, record, and catalog the data described in paragraph (1); and

(B) in a manner that is consistent with section 552a of title 5, United States Code, protect the privacy of the minority business enterprises to which the data described in paragraph (1) relates.

### Subtitle B—Minority Business Development Agency Business Center Program

**SEC. _____111. DEFINITION.**

In this subtitle, the term ''MBDA Business Center Program'' means the program established under section _____113.

**SEC. _____112. PURPOSE.**

The purpose of the MBDA Business Center Program shall be to create a national network of public-private partnerships that—

(1) assist minority business enterprises in—

(A) accessing capital, contracts, and grants; and

(B) creating and maintaining jobs;

(2) provide counseling and mentoring to minority business enterprises; and

(3) facilitate the growth of minority business enterprises by promoting trade.

**SEC. _____113. ESTABLISHMENT.**

(a) IN GENERAL.—There is established in the Agency a program—

(1) that shall be known as the MBDA Business Center Program;

(2) that shall be separate and distinct from the efforts of the Under Secretary under section _____101; and

(3) under which the Under Secretary shall make Federal assistance awards to eligible entities to operate MBDA Business Centers, which shall, in accordance with section _____114, provide technical assistance and business development services, or specialty services, to minority business enterprises.

(b) COVERAGE.—The Under Secretary shall take all necessary actions to ensure that the MBDA Business Center Program, in accordance with section _____114, offers the services described in subsection (a)(3) in all regions of the United States.

**SEC. _____114. GRANTS AND COOPERATIVE AGREEMENTS.**

(a) REQUIREMENTS.—An MBDA Business Center (referred to in this subtitle as a ''Center''), with respect to the Federal financial assistance award made to operate the Center under the MBDA Business Center Program—

(1) shall—

(A) provide to minority business enterprises programs and services determined to be appropriate by the Under Secretary, which may include—

(i) referral services to meet the needs of minority business enterprises; and

(ii) programs and services to accomplish the goals described in section _____101(1);

(B) develop, cultivate, and maintain a network of strategic partnerships with organizations that foster access by minority business enterprises to economic markets, capital, or contracts;

(C) continue to upgrade and modify the services provided by the Center, as necessary, in order to meet the changing and evolving needs of the business community;

(D) establish or continue a referral relationship with not less than 1 community-based organization; and

(E) collaborate with other Centers; and

(2) in providing programs and services under the applicable MBDA Business Center agreement, may—

(A) operate on a fee-for-service basis; or

(B) generate income through the collection of—

(i) client fees;

(ii) membership fees; and

(iii) any other appropriate fees proposed by the Center in the application submitted by the Center under subsection (e).

(b) TERM.—Subject to subsection (g)(3), the term of an MBDA Business Center agreement shall be not less than 3 years.

(c) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The amount of financial assistance provided by the Under Secretary under an MBDA Business Center agreement shall be not less than $250,000 for the term of the agreement.

(2) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A Center shall match not less than ⅓ of the amount of the financial assistance awarded to the Center under the terms of the applicable MBDA Business Center agreement, unless the Under Secretary determines that a waiver of that requirement is necessary after a demonstration by the Center of a substantial need for that waiver.

(B) FORM OF FUNDS.—A Center may meet the matching requirement under subparagraph (A) by using—

(i) cash or in-kind contributions, without regard to whether the contribution is made by a third party; or

(ii) Federal funds received from other Federal programs.

(3) USE OF FINANCIAL ASSISTANCE AND PROGRAM INCOME.—A Center shall use—

(A) all financial assistance awarded to the Center under the applicable MBDA Business Center agreement to carry out subsection (a); and

(B) all income that the Center generates in carrying out subsection (a)—

(i) to meet the matching requirement under paragraph (2) of this subsection; and

(ii) if the Center meets the matching requirement under paragraph (2) of this subsection, to carry out subsection (a).

(d) CRITERIA FOR SELECTION.—The Under Secretary shall—

(1) establish criteria that—

(A) the Under Secretary shall use in determining whether to enter into an MBDA Business Center agreement with an eligible entity; and

(B) may include criteria relating to whether an eligible entity is located in—

(i) an area, the population of which is composed of not less than 51 percent socially or economically disadvantaged individuals, as determined in accordance with data collected by the Bureau of the Census;

(ii) a federally recognized area of economic distress; or

(iii) a State that is underserved with respect to the MBDA Business Center Program, as defined by the Under Secretary; and

(2) make the criteria and standards established under paragraph (1) publicly available, including—

(A) on the website of the Agency; and

(B) in each Notice of Funding Opportunity soliciting MBDA Business Center agreements.

(e) APPLICATIONS.—An eligible entity desiring to enter into an MBDA Business Center agreement shall submit to the Under Secretary an application that includes—

(1) a statement of—

(A) how the eligible entity will carry out subsection (a); and

(B) any experience or plans of the eligible entity with respect to—

(i) assisting minority business enterprises to—

(I) obtain—

(aa) large-scale contracts, grants, or procurements;

(bb) financing; or

(cc) legal assistance;

(II) access established supply chains; and

(III) engage in—

(aa) joint ventures, teaming arrangements, and mergers and acquisitions; or

(bb) large-scale transactions in global markets;

(ii) supporting minority business enterprises in increasing the size of the workforces of those enterprises, including, with respect to a minority business enterprise that does not have employees, aiding the minority business enterprise in becoming an enterprise that has employees; and

(iii) advocating for minority business enterprises; and

(2) the budget and corresponding budget narrative that the eligible entity will use in carrying out subsection (a) during the term of the applicable MBDA Business Center agreement.

(f) NOTIFICATION.—If the Under Secretary grants an application of an eligible entity submitted under subsection (e), the Under Secretary shall notify the eligible entity that the application has been granted not later than 150 days after the last day on which an application may be submitted under that subsection.

(g) PROGRAM EXAMINATION; ACCREDITATION; EXTENSIONS.—

(1) EXAMINATION.—Not later than 180 days after the date of enactment of this Act, and biennially thereafter, the Under Secretary shall conduct a programmatic financial examination of each Center.

(2) ACCREDITATION.—The Under Secretary may provide financial support, by contract or otherwise, to an association, not less than 51 percent of the members of which are Centers, to—

(A) pursue matters of common concern with respect to Centers; and

(B) develop an accreditation program with respect to Centers.

(3) EXTENSIONS.—

(A) IN GENERAL.—The Under Secretary may extend the term under subsection (b) of an MBDA Business Center agreement to which a Center is a party, if the Center consents to the extension.

(B) FINANCIAL ASSISTANCE.—If the Under Secretary extends the term of an MBDA Business Center agreement under paragraph (1), the Under Secretary shall, in the same manner and amount in which financial assistance was provided during the initial term of the agreement, provide financial assistance under the agreement during the extended term of the agreement.

(h) MBDA INVOLVEMENT.—The Under Secretary may take actions to ensure that the Agency is substantially involved in the activities of Centers in carrying out subsection (a), including by—

(1) providing to each Center training relating to the MBDA Business Center Program;

(2) requiring that the operator and staff of each Center—

(A) attend—

(i) a conference with the Agency to establish the services and programs that the Center will provide in carrying out the requirements before the date on which the Center begins providing those services and programs; and

(ii) training provided under paragraph (1);

(B) receive necessary guidance relating to carrying out the requirements under subsection (a); and

(C) work in coordination and collaboration with the Under Secretary to carry out the MBDA Business Center Program and other programs of the Agency;

(3) facilitating connections between Centers and—

(A) Federal agencies other than the Agency, as appropriate; and

(B) other institutions or entities that use Federal resources, such as—

(i) small business development centers, as that term is defined in section 3(t) of the Small Business Act (15 U.S.C. 632(t));

(ii) women's business centers described in section 29 of the Small Business Act (15 U.S.C. 656);

(iii) eligible entities, as that term is defined in section 2411 of title 10, United States Code, that provide services under the program carried out under chapter 142 of that title; and

(iv) entities participating in the Hollings Manufacturing Extension Partnership Program established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k);

(4) monitoring projects carried out by each Center; and

(5) establishing and enforcing administrative and reporting requirements for each Center to carry out subsection (a).

(i) REGULATIONS.—The Under Secretary shall issue and publish regulations that establish minimum standards regarding verification of minority business enterprise status for clients of entities operating under the MBDA Business Center Program.

**SEC. _____115. MINIMIZING DISRUPTIONS TO EXISTING MBDA BUSINESS CENTER PROGRAM.**

The Under Secretary shall ensure that each Federal assistance award made under the Business Centers program of the Agency, as is in effect on the day before the date of enactment of this Act, is carried out in a manner that, to the greatest extent practicable, prevents disruption of any activity carried out under that award.

**SEC. _____116. PUBLICITY.**

In carrying out the MBDA Business Center Program, the Under Secretary shall widely publicize the MBDA Business Center Program, including—

(1) on the website of the Agency;

(2) via social media outlets; and

(3) by sharing information relating to the MBDA Business Center Program with community-based organizations, including interpretation groups where necessary, to communicate in the most common languages spoken by the groups served by those organizations.

## TITLE II—NEW INITIATIVES TO PROMOTE ECONOMIC RESILIENCY FOR MINORITY BUSINESSES

**SEC. _____201. ANNUAL DIVERSE BUSINESS FORUM ON CAPITAL FORMATION.**

(a) RESPONSIBILITY OF AGENCY.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Under Secretary shall conduct a Government-business forum to review the current status of problems and programs relating to capital formation by minority business enterprises.

(b) PARTICIPATION IN FORUM PLANNING.—The Under Secretary shall invite the heads of other Federal agencies, such as the Chairman of the Securities and Exchange Commission, the Secretary of the Treasury, and the Chairman of the Board of Governors of the Federal Reserve System, organizations representing State securities commissioners, representatives of leading minority chambers of commerce, not less than 1 certified owner of a minority business enterprise, business organizations, and professional organizations concerned with capital formation to participate in the planning of each forum conducted under subsection (a).

(c) PREPARATION OF STATEMENTS AND REPORTS.—

(1) REQUESTS.—The Under Secretary may request that any head of a Federal agency, department, or organization, including those described in subsection (b), or any other group or individual, prepare a statement or report to be delivered at any forum conducted under subsection (a).

(2) COOPERATION.—Any head of a Federal agency, department, or organization who receives a request under paragraph (1) shall, to the greatest extent practicable, cooperate with the Under Secretary to fulfill that request.

(d) TRANSMITTAL OF PROCEEDINGS AND FINDINGS.—The Under Secretary shall—

(1) prepare a summary of the proceedings of each forum conducted under subsection (a), which shall include the findings and recommendations of the forum; and

(2) transmit the summary described in paragraph (1) with respect to each forum conducted under subsection (a) to—

(A) the participants in the forum;

(B) Congress; and

(C) the public, through a publicly available website.

(e) REVIEW OF FINDINGS AND RECOMMENDATIONS; PUBLIC STATEMENTS.—

(1) IN GENERAL.—A Federal agency to which a finding or recommendation described in subsection (d)(1) relates shall—

(A) review that finding or recommendation; and

(B) promptly after the finding or recommendation is transmitted under subsection (d)(2)(C), issue a public statement—

(i) assessing the finding or recommendation; and

(ii) disclosing the action, if any, the Federal agency intends to take with respect to the finding or recommendation.

(2) JOINT STATEMENT PERMITTED.—If a finding or recommendation described in subsection (d)(1) relates to more than 1 Federal agency, the applicable Federal agencies may, for the purposes of the public statement required under paragraph (1)(B), issue a joint statement.

**SEC. _____202. AGENCY STUDY ON ALTERNATIVE FINANCING SOLUTIONS.**

(a) PURPOSE.—The purpose of this section is to provide information relating to alternative financing solutions to minority business enterprises, as those business enterprises are more likely to struggle in accessing, particularly at affordable rates, traditional sources of capital.

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary shall—

(1) conduct a study on opportunities for providing alternative financing solutions to minority business enterprises; and

(2) submit to Congress, and publish on the website of the Agency, a report describing the findings of the study carried out under paragraph (1).

**SEC. _____203. EDUCATIONAL DEVELOPMENT RELATING TO MANAGEMENT AND ENTREPRENEURSHIP.**

(a) DUTIES.—The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

(1) promote the education and training of socially or economically disadvantaged individuals in subjects directly relating to business administration and management;

(2) encourage institutions of higher education, leaders in business and industry, and other public sector entities and private sector entities, particularly minority business enterprises, to—

(A) develop programs to offer scholarships and fellowships, apprenticeships, and internships relating to business to socially or economically disadvantaged individuals; and

(B) sponsor seminars, conferences, and similar activities relating to business for the benefit of socially or economically disadvantaged individuals;

(3) stimulate and accelerate curriculum design and improvement in support of development of minority business enterprises; and

(4) encourage and assist private institutions and organizations and public sector entities to undertake activities similar to the activities described in paragraphs (1), (2), and (3).

(b) PARREN J. MITCHELL ENTREPRENEURSHIP EDUCATION GRANTS.—

(1) DEFINITION.—In this subsection, the term ''eligible institution'' means an institution of higher education described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(2) GRANTS.—The Under Secretary shall award grants to eligible institutions to develop and implement entrepreneurship curricula.

(3) REQUIREMENTS.—An eligible institution to which a grant is awarded under this subsection shall use the grant funds to—

(A) develop a curriculum that includes training in various skill sets needed by contemporary successful entrepreneurs, including—

(i) business management and marketing;

(ii) financial management and accounting;

(iii) market analysis;

(iv) competitive analysis;

(v) innovation;

(vi) strategic and succession planning;

(vii) marketing; and

(viii) any other skill set that the eligible institution determines is necessary for the students served by the eligible institution and the community in which the eligible institution is located; and

(B) implement the curriculum developed under subparagraph (A) at the eligible institution.

(4) IMPLEMENTATION TIMELINE.—The Under Secretary shall establish and publish a timeline under which an eligible institution to which a grant is awarded under this section shall carry out the requirements under paragraph (3).

(5) REPORTS.—Each year, the Under Secretary shall submit to all applicable committees of Congress, and as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, a report evaluating the awarding and use of grants under this subsection during the fiscal year immediately preceding the fiscal year in which the report is submitted, which shall include, with respect to the fiscal year covered by the report—

(A) a description of each curriculum developed and implemented under each grant awarded under this section;

(B) the date on which each grant awarded under this section was awarded; and

(C) the number of eligible entities that were recipients of grants awarded under this section.

## TITLE III—RURAL MINORITY BUSINESS CENTER PROGRAM

**SEC. _____301. DEFINITIONS.**

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a part B institution; or

(B) a consortium of institutions of higher education that is led by a part B institution.

(3) MBDA RURAL BUSINESS CENTER.—The term ''MBDA Rural Business Center'' means an MBDA Business Center that provides technical business assistance to minority business enterprises located in rural areas.

(4) MBDA RURAL BUSINESS CENTER AGREEMENT.—The term ''MBDA Rural Business Center agreement'' means an MBDA Business Center agreement that establishes the terms by which the recipient of the Federal assistance award that is the subject of the agreement shall operate an MBDA Rural Business Center.

(5) PART B INSTITUTION.—The term ''part B institution'' has the meaning given the term in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(6) RURAL AREA.—The term ''rural area'' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

(7) RURAL MINORITY BUSINESS ENTERPRISE.—The term ''rural minority business enterprise'' means a minority business enterprise located in a rural area.

**SEC. _____302. BUSINESS CENTERS.**

(a) IN GENERAL.—The Under Secretary may establish MBDA Rural Business Centers.

(b) PARTNERSHIP.—

(1) IN GENERAL.—With respect to an MBDA Rural Business Center established by the Under Secretary, the Under Secretary shall establish the MBDA Rural Business Center in partnership with an eligible entity in accordance with paragraph (2).

(2) MBDA AGREEMENT.—

(A) IN GENERAL.—With respect to each MBDA Rural Business Center established by the Under Secretary, the Under Secretary shall enter into a cooperative agreement with an eligible entity that provides that—

(i) the eligible entity shall provide space, facilities, and staffing for the MBDA Rural Business Center;

(ii) the Under Secretary shall provide funding for, and oversight with respect to, the MBDA Rural Business Center; and

(iii) subject to subparagraph (B), the eligible entity shall match 20 percent of the amount of the funding provided by the Under Secretary under clause (ii), which may be calculated to include the costs of providing the space, facilities, and staffing under clause (i).

(B) LOWER MATCH REQUIREMENT.—Based on the available resources of an eligible entity, the Under Secretary may enter into a cooperative agreement with the eligible entity that provides that—

(i) the eligible entity shall match less than 20 percent of the amount of the funding provided by the Under Secretary under subparagraph (A)(ii); or

(ii) if the Under Secretary makes a determination, upon a demonstration by the eligible entity of substantial need, the eligible entity shall not be required to provide any match with respect to the funding provided by the Under Secretary under subparagraph (A)(ii).

(C) ELIGIBLE FUNDS.—An eligible entity may provide matching funds required under an MBDA Rural Business Center agreement with Federal funds received from other Federal programs.

(3) TERM.—The initial term of an MBDA Rural Business Center agreement shall be not less than 3 years.

(4) EXTENSION.—The Under Secretary and an eligible entity may agree to extend the term of an MBDA Rural Business Center agreement with respect to an MBDA Rural Business Center.

(c) FUNCTIONS.—An MBDA Rural Business Center shall—

(1) primarily serve clients that are—

(A) rural minority business enterprises; or

(B) minority business enterprises that are located more than 50 miles from an MBDA Business Center (other than that MBDA Rural Business Center);

(2) focus on—

(A) issues relating to—

(i) the adoption of broadband internet access service (as defined in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation), digital literacy skills, and e-commerce by rural minority business enterprises;

(ii) advanced manufacturing;

(iii) the promotion of manufacturing in the United States;

(iv) ways in which rural minority business enterprises can meet gaps in the supply chain of critical supplies and essential goods and services for the United States;

(v) improving the connectivity of rural minority business enterprises through transportation and logistics;

(vi) promoting trade and export opportunities by rural minority business enterprises;

(vii) securing financial capital;

(viii) facilitating entrepreneurship in rural areas; and

(ix) creating jobs in rural areas; and

(B) any other issue relating to the unique challenges faced by rural minority business enterprises; and

(3) provide education, training, and legal, financial, and technical assistance to minority business enterprises.

(d) APPLICATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Under Secretary shall issue a Notice of Funding Opportunity requesting applications from eligible entities that desire to enter into MBDA Rural Business Center agreements.

(2) CRITERIA AND PRIORITY.—In selecting an eligible entity with which to enter into an MBDA Rural Business Center agreement, the Under Secretary shall—

(A) select an eligible entity that demonstrates—

(i) the ability to collaborate with governmental and private sector entities to leverage capabilities of minority business enterprises through public-private partnerships;

(ii) the research and extension capacity to support minority business enterprises;

(iii) knowledge of the community that the eligible entity serves and the ability to conduct effective outreach to that community to advance the goals of an MBDA Rural Business Center;

(iv) the ability to provide innovative business solutions, including access to contracting opportunities, markets, and capital;

(v) the ability to provide services that advance the development of science, technology, engineering, and math jobs within minority business enterprises;

(vi) the ability to leverage resources from within the eligible entity to advance an MBDA Rural Business Center;

(vii) that the mission of the eligible entity aligns with the mission of the Agency;

(viii) the ability to leverage relationships with rural minority business enterprises; and

(ix) a referral relationship with not less than 1 community-based organization; and

(B) give priority to an eligible entity that is located in a State or region that has a significant population of socially or economically disadvantaged individuals.

**SEC. _____303. REPORT TO CONGRESS.**

Not later than 1 year after the date of enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report that includes—

(1) a summary of the efforts of the Under Secretary to provide services to minority business enterprises located in States that lack an MBDA Business Center, as of the date of enactment of this Act, and especially in those States that have significant minority populations; and

(2) recommendations for extending the outreach of the Agency to underserved areas.

**SEC. _____304. STUDY AND REPORT.**

(a) IN GENERAL.—The Under Secretary, in coordination with relevant leadership of the Agency and relevant individuals outside of the Department of Commerce, shall conduct a study that addresses the ways in which minority business enterprises can meet gaps in the supply chain of the United States, with a particular focus on the supply chain of advanced manufacturing and essential goods and services.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report that includes the results of the study conducted under subsection (a), which shall include recommendations regarding the ways in which minority business enterprises can meet gaps in the supply chain of the United States.

## TITLE IV—MINORITY BUSINESS DEVELOPMENT GRANTS

**SEC. _____401. GRANTS TO NONPROFIT ORGANIZATIONS THAT SUPPORT MINORITY BUSINESS ENTERPRISES.**

(a) DEFINITION.—In this section, the term ''covered entity'' means a private nonprofit organization that—

(1) is described in paragraph (3), (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(2) can demonstrate that a primary activity of the organization is to provide services to minority business enterprises, whether through education, making grants or loans, or other similar activities.

(b) PURPOSE.—The purpose of this section is to make grants to covered entities to help those covered entities continue the necessary work of supporting minority business enterprises.

(c) ESTABLISHMENT OF OFFICE.—Not later than 180 days after the date of enactment of this Act, the Under Secretary shall establish within the Agency an office that has adequate staffing to make and administer grants under this section.

(d) APPLICATION.—A covered entity desiring a grant under this section shall submit to the Under Secretary an application at such time, in such manner, and containing such information as the Under Secretary may require.

(e) PRIORITY.—The Under Secretary shall, in carrying out this section, prioritize granting an application submitted by a covered entity that is located in a federally recognized area of economic distress.

(f) USE OF FUNDS.—A covered entity to which a grant is made under this section may use the grant funds to support the development, growth, or retention of minority business enterprises.

(g) PROCEDURES.—The Under Secretary shall establish procedures to—

(1) discourage and prevent waste, fraud, and abuse by applicants for, and recipients of, grants made under this section; and

(2) ensure that grants are made under this section to a diverse array of covered entities, which may include—

(A) covered entities with a national presence;

(B) community-based covered entities;

(C) covered entities with annual budgets below $1,000,000; or

(D) covered entities that principally serve low-income and rural communities.

(h) INSPECTOR GENERAL AUDIT.—Not later than 180 days after the date on which the Under Secretary begins making grants under this section, the Inspector General of the Department of Commerce shall—

(1) conduct an audit of grants made under this section, which shall seek to identify any discrepancies or irregularities with respect to those grants; and

(2) submit to Congress a report regarding the audit conducted under paragraph (1).

(i) UPDATES TO CONGRESS.—Not later than 90 days after the date on which the Under Secretary establishes the office described in subsection (c), and once every 30 days thereafter, the Under Secretary shall submit to Congress a report that contains—

(1) the number of grants made under this section during the period covered by the report; and

(2) with respect to the grants described in paragraph (1)—

(A) the geographic distribution of those grants by State and county;

(B) if applicable, demographic information with respect to the minority business enterprises served by the covered entities to which the grants were made; and

(C) information regarding the industries of the minority business enterprises served by the covered entities to which the grants were made.

## TITLE V—MINORITY BUSINESS ENTERPRISES ADVISORY COUNCIL

**SEC. _____501. PURPOSE.**

The Under Secretary shall establish the Minority Business Enterprises Advisory Council (referred to in this title as the ''Council'') to advise and assist the Agency.

**SEC. _____502. COMPOSITION AND TERM.**

(a) COMPOSITION.—The Council shall be composed of 9 members of the private sector and 1 representative from each of not fewer than 10 Federal agencies that support or otherwise have duties that relate to business formation, including duties relating to labor development, monetary policy, national security, energy, agriculture, transportation, and housing.

(b) CHAIR.—The Under Secretary shall designate 1 of the private sector members of the Council as the Chair of the Council for a 1-year term.

(c) TERM.—The Council shall meet at the request of the Under Secretary and members shall serve for a term of 2 years. Members of the Council may be reappointed.

**SEC. _____503. DUTIES.**

(a) IN GENERAL.—The Council shall provide advice to the Under Secretary by—

(1) serving as a source of knowledge and information on developments in areas of the economic and social life of the United States that affect socially or economically disadvantaged business concerns;

(2) providing the Under Secretary with information regarding plans, programs, and activities in the public and private sectors that relate to socially or economically disadvantaged business concerns; and

(3) advising the Under Secretary regarding—

(A) any measures to better achieve the objectives of this division; and

(B) problems and matters the Under Secretary refers to the Council.

(b) CAPACITY.—Members of the Council shall not be compensated for service on the Council but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) TERMINATION.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Council shall terminate on the date that is 5 years after the date of enactment of this Act.

## TITLE VI—FEDERAL COORDINATION OF MINORITY BUSINESS PROGRAMS

**SEC. _____601. GENERAL DUTIES.**

The Under Secretary may coordinate, as consistent with law, the plans, programs, and operations of the Federal Government that affect, or may contribute to, the establishment, preservation, and strengthening of socially or economically disadvantaged business concerns.

**SEC. _____602. PARTICIPATION OF FEDERAL DEPARTMENTS AND AGENCIES.**

The Under Secretary shall—

(1) consult with other Federal agencies and departments as appropriate to—

(A) develop policies, comprehensive plans, and specific program goals for the programs carried out under subtitle B of title I and title III;

(B) establish regular performance monitoring and reporting systems to ensure that goals established by the Under Secretary with respect to the implementation of this division are being achieved; and

(C) evaluate the impact of Federal support of socially or economically disadvantaged business concerns in achieving the objectives of this division;

(2) conduct a coordinated review of all proposed Federal training and technical assistance activities in direct support of the programs carried out under subtitle B of title I and title III to ensure consistency with program goals and to avoid duplication; and

(3) convene, for purposes of coordination, meetings of the heads of such Federal agencies and departments, or their designees, the programs and activities of which may affect or contribute to the carrying out of this division.

## TITLE VII—ADMINISTRATIVE POWERS OF THE AGENCY; MISCELLANEOUS PROVISIONS

**SEC. _____701. ADMINISTRATIVE POWERS.**

(a) IN GENERAL.—In carrying out this division, the Under Secretary may—

(1) adopt and use a seal for the Agency, which shall be judicially noticed;

(2) hold hearings, sit and act, and take testimony as the Under Secretary may determine to be necessary or appropriate to carry out this division;

(3) acquire, in any lawful manner, any property that the Under Secretary determines to be necessary or appropriate to carry out this division;

(4) with the consent of another Federal agency, enter into an agreement with that Federal agency to utilize, with or without reimbursement, any service, equipment, personnel, or facility of that Federal agency; and

(5) coordinate with the heads of the Offices of Small and Disadvantaged Business Utilization of Federal agencies.

(b) USE OF PROPERTY.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out this division, the Under Secretary may, without cost (except for costs of care and handling), allow any public sector entity, or any recipient nonprofit organization, for the purpose of the development of minority business enterprises, to use any real or tangible personal property acquired by the Agency in carrying out this division.

(2) TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.—The Under Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any property under paragraph (1).

**SEC. _____702. FEDERAL ASSISTANCE.**

(a) IN GENERAL.—

(1) PROVISION OF FEDERAL ASSISTANCE.—To carry out sections _____101, _____102, and _____103(a), the Under Secretary may provide Federal assistance to public sector entities and private sector entities in the form of grants or cooperative agreements.

(2) NOTICE.—Not later than 120 days after the date on which amounts are appropriated to carry out this section, the Under Secretary shall, in accordance with subsection (b), broadly publish a statement regarding Federal assistance that will, or may, be provided under paragraph (1) during the fiscal year for which those amounts are appropriated, including—

(A) the actual, or anticipated, amount of Federal assistance that will, or may, be made available;

(B) the types of Federal assistance that will, or may, be made available;

(C) the manner in which Federal assistance will be allocated among public sector entities and private sector entities, as applicable; and

(D) the methodology used by the Under Secretary to make allocations under subparagraph (C).

(3) CONSULTATION.—The Under Secretary shall consult with public sector entities and private sector entities, as applicable, in deciding the amounts and types of Federal assistance to make available under paragraph (1).

(b) PUBLICITY.—In carrying out this section, the Under Secretary shall broadly publicize all opportunities for Federal assistance available under this section, including through the means required under section _____116.

**SEC. _____703. RECORDKEEPING.**

(a) IN GENERAL.—Each recipient of assistance under this division shall keep such records as the Under Secretary shall prescribe, including records that fully disclose, with respect to the assistance received by the recipient under this division—

(1) the amount and nature of that assistance;

(2) the disposition by the recipient of the proceeds of that assistance;

(3) the total cost of the undertaking for which the assistance is given or used;

(4) the amount and nature of the portion of the cost of the undertaking described in paragraph (3) that is supplied by a source other than the Agency; and

(5) any other record that will facilitate an effective audit with respect to the assistance.

(b) ACCESS BY GOVERNMENT OFFICIALS.—The Under Secretary, the Inspector General of the Department of Commerce, and the Comptroller General of the United States, or any duly authorized representative of any such individual, shall have access, for the purpose of audit, investigation, and examination, to any book, document, paper, record, or other material of the Agency or an MBDA Business Center.

**SEC. _____704. REVIEW AND REPORT BY COMPTROLLER GENERAL.**

Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a thorough review of the programs carried out under this division; and

(2) submit to Congress a detailed report of the findings of the Comptroller General of the United States under the review carried out under paragraph (1), which shall include—

(A) an evaluation of the effectiveness of the programs in achieving the purposes of this division;

(B) a description of any failure by any recipient of assistance under this division to comply with the requirements under this division; and

(C) recommendations for any legislative or administrative action that should be taken to improve the achievement of the purposes of this division.

**SEC. _____705. BIANNUAL REPORTS; RECOMMENDATIONS.**

(a) BIANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and 90 days after the last day of each odd-numbered year thereafter, the Under Secretary shall submit to Congress, and publish on the website of the Agency, a report of each activity of the Agency carried out under this division during the period covered by the report.

(b) RECOMMENDATIONS.—The Under Secretary shall periodically submit to Congress and the President recommendations for legislation or other actions that the Under Secretary determines to be necessary or appropriate to promote the purposes of this division.

**SEC. _____706. SEPARABILITY.**

If a provision of this division, or the application of a provision of this division to any person or circumstance, is held by a court of competent jurisdiction to be invalid, that judgment—

(1) shall not affect, impair, or invalidate—

(A) any other provision of this division; or

(B) the application of this division to any other person or circumstance; and

(2) shall be confined in its operation to—

(A) the provision of this division with respect to which the judgment is rendered; or

(B) the application of the provision of this division to each person or circumstance directly involved in the controversy in which the judgment is rendered.

**SEC. _____707. EXECUTIVE ORDER 11625.**

The powers and duties of the Agency shall be determined—

(1) in accordance with this division and the requirements of this division; and

(2) without regard to Executive Order 11625 (36 Fed. Reg. 19967; relating to prescribing additional arrangements for developing and coordinating a national program for minority business enterprise).

**SEC. _____708. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Under Secretary $100,000,000 for each of fiscal years 2021 through 2025 to carry out this division, of which—

(1) a majority shall be used in each such fiscal year to carry out the MBDA Business Center Program under subtitle B of title I, including the component of that program relating to specialty centers; and

(2) $10,000,000 shall be used in each such fiscal year to carry out title III.

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**SA 2164.** Mrs. FISCHER (for herself and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

**SEC. 60_____. BROADBAND DEPLOYMENT LOCATIONS MAP.**

(a) DEFINITIONS.—In this section:

(1) BROADBAND INFRASTRUCTURE.—The term ''broadband infrastructure'' means any cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure, including wireless infrastructure, that—

(A) is capable of providing access to internet connections in individual locations; and

(B) is an advanced telecommunications capability, as defined in section 706(d) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)).

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) DEPLOYMENT LOCATIONS MAP.—The term ''Deployment Locations Map'' means the mapping tool required to be established under subsection (b).

(b) ESTABLISHMENT OF DEPLOYMENT LOCATIONS MAP.—Not later than 18 months after the date of enactment of this Act, the Commission shall, in consultation with all relevant Federal agencies, establish an online mapping tool to provide a locations overview of the overall geographic footprint of each broadband infrastructure deployment project funded by the Federal Government.

(c) REQUIREMENTS.—The Deployment Locations Map shall be—

(1) the centralized, authoritative source of information on funding made available by the Federal Government for broadband infrastructure deployment in the United States; and

(2) made publicly available on the website of the Commission.

(d) FUNCTIONS.—In establishing the Deployment Locations Map, the Commission shall ensure that the Deployment Locations Map—

(1) compiles data related to Federal funding for broadband infrastructure deployment provided by the Commission, the National Telecommunications and Information Administration, the Department of Agriculture, the Department of Health and Human Services, the Department of the Treasury, the Department of Housing and Urban Development, the Institute of Museum and Library Sciences, and any other Federal agency that provides such data relating to broadband infrastructure deployment funding to the Commission, including funding under—

(A) this Act;
(B) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136);
(C) the Consolidated Appropriations Act, 2021 (Public Law 116–260);
(D) American Rescue Plan Act of 2021 (Public Law 117–2); or
(E) any Federal amounts appropriated or any Federal program authorized after the date of enactment of this Act to fund broadband infrastructure deployment;
(2) contains data, with respect to each broadband infrastructure deployment program, relating to—
(A) the Federal agency of jurisdiction;
(B) the program title; and
(C) the network type, including wired, terrestrial fixed, wireless, mobile, and satellite broadband infrastructure deployment;
(3) allows users to manipulate the Deployment Locations Map to identify, search, and filter broadband infrastructure deployment projects by—
(A) company name;
(B) duration timeline, including the dates of a project's beginning and ending, or anticipated beginning or ending date;
(C) total number of locations to which a project makes service available; and
(D) relevant download and upload speeds; and
(4) incorporates broadband service availability data as depicted in the Broadband Map created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)).
(e) PERIODIC UPDATES.—
(1) IN GENERAL.—The Commission shall, in consultation with relevant Federal agencies, ensure the Deployment Locations Map is maintained and up to date on a periodic basis, but not less frequently than once every 180 days.
(2) OTHER FEDERAL AGENCIES.—Each Federal agency providing funding for broadband infrastructure deployment shall report relevant data to the Commission on a periodic basis.
(f) NO EFFECT ON PROGRAMMATIC MISSIONS.—Nothing in this section shall be construed to affect the programmatic missions of Federal agencies providing funding for broadband infrastructure development.
(g) NONDUPLICATION.—The requirements in this section shall be consistent with and avoid duplication with the provisions of section 903 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260).
(h) FUNDING.—Of the amounts appropriated to carry out this division under this Act, $10,000,000 shall be made available to carry out this section.

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**SA 2165.** Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division C, insert the following:

**SEC. 30_____. HELPING OBTAIN PROSPERITY FOR EVERYONE PROGRAM.**

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5307 the following:

**"§ 5308. Helping Obtain Prosperity for Everyone program**

''(a) DEFINITIONS.—In this section:

''(1) AREA OF PERSISTENT POVERTY.—The term 'area of persistent poverty' means—

''(A) a county that has consistently had greater than or equal to 20 percent of the population living in poverty during the most recent 30-year period for which data is available, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates, as estimated by the Bureau of the Census;

''(B) a census tract with a poverty rate of at least 20 percent as measured by the most recent 5-year data series available from the American Community Survey of the Bureau of the Census for all States and Puerto Rico; or

''(C) any other territory or possession of the United States of which at least 20 percent of the population has consistently lived in poverty over the most recent 30-year period for which data is available, as measured by the 1990, 2000, and 2010 decennial censuses or equivalent data of the Bureau of the Census.

''(2) COVERED PROJECT.—The term 'covered project' means any project eligible under this chapter carried out by an eligible entity that would serve an area of persistent poverty.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means an eligible recipient or subrecipient under section 5307, 5310, or 5311 that seeks to carry out a covered project.

''(4) PROGRAM.—The term 'program' means the Helping Obtain Prosperity for Everyone program established under subsection (b).

''(b) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the 'Helping Obtain Prosperity for Everyone' program, to award grants to eligible entities—

''(1) to carry out planning or engineering work for covered projects, which may include studies or analyses to assess the transit needs of an area of persistent poverty; and

''(2) to develop technical or financing plans for covered projects.

''(c) APPLICATION.—An eligible entity seeking a grant under the program, or a State department of transportation acting on behalf of an eligible entity seeking a grant under the program, shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) FEDERAL SHARE.—The Federal share of the cost of an activity described in subsection (b) shall be not less than 90 percent.

''(e) OUTREACH.—Not later than 1 year after the date on which the Secretary establishes the program, the Secretary shall conduct outreach, including through personal contact, webinars, online materials, and other appropriate methods determined by the Secretary, to eligible entities with respect to grant opportunities under the program.

''(f) PARTNERSHIPS.—

''(1) IN GENERAL.—The recipient of a grant under the program may enter into a partnership with a nonprofit organization or other entity to assist the recipient in carrying out the activities described in subsection (b).

''(2) ENCOURAGEMENT.—The Secretary shall encourage recipients of grants under the program to enter into partnerships with nonprofit organizations that could assist the recipient in ensuring that a covered project results in lower emissions or no emissions.

''(g) RURAL AREAS.—Of the amounts made available to carry out the program each fiscal year, the Secretary shall ensure that not less than 20 percent is used to carry out covered projects in rural areas.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal year 2022 through 2026.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5307 the following:

''5308. Helping Obtain Prosperity for Everyone program.''.

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**SA 2166.** Mr. WARNOCK submitted an amendment intended to be proposed by him to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 30005, add at the end the following:

(c) COMMUTER OR DESTINATION-BASED BUS RAPID TRANSIT PROJECTS.—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a) (as amended by subsection (a))—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7);

(B) by inserting after paragraph (1) the following:

''(2) COMMUTER OR DESTINATION-BASED BUS RAPID TRANSIT PROJECT.—The term 'commuter or destination-based bus rapid transit project' means a small start project utilizing buses—

''(A) in which the project represents a substantial investment in a defined corridor, as demonstrated by features that emulate the services provided by commuter rail or other rail fixed guideway public transportation systems, including—

''(i) defined stations;

''(ii) traffic signal or access to managed lanes for public transportation vehicles;

''(iii) short headway services for a substantial part of weekdays; and

''(iv) any other features the Secretary may determine support a long-term corridor investment; and

''(B) in which—

''(i) the majority of the project does not operate in a separated right-of-way dedicated for public transportation use during peak periods; and

''(ii) a substantial portion of the project operates in a highway right-of-way.'';

(2) in subsection (h), by adding at the end the following:

''(8) COMMUTER OR DESTINATION-BASED BUS RAPID TRANSIT PROJECT RATINGS.—In issuing policy guidance under subsection (g)(5), the Secretary may establish alternative evaluation criteria for commuter or destination-based bus rapid transit projects for—

''(A) economic development effects associated with those projects; or

''(B) policies and land use patterns that support public transportation.''; and

(3) in subsection (m), by adding at the end the following:

''(3) COST OF CARRYING OUT PLANNING AND ACTIVITIES REQUIRED UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—

''(A) IN GENERAL.—Subject to subparagraph (B), the cost of carrying out the planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including planning and activities carried out prior to a project entering into the project development phase, shall be counted toward the net capital project cost for purposes of paragraph (1).

''(B) GUIDANCE.—The Secretary shall provide guidance to applicants on the costs of planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are eligible to be counted under subparagraph (A).''.

**SA 2167.** Mr. WARNOCK (for himself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2637, line 15, strike ''$47,272,000,000'' and insert ''$51,772,000,000''.
On page 2637, line 18, strike ''$9,454,400,000'' and insert ''$10,354,400,000''.
On page 2637, line 20, strike ''$9,454,400,000'' and insert ''$10,354,400,000''.
On page 2637, line 22, strike ''$9,454,400,000'' and insert ''$10,354,400,000''.
On page 2637, line 24, strike ''$9,454,400,000'' and insert ''$10,354,400,000''.
On page 2638, line 1, strike ''$9,454,400,000'' and insert ''$10,354,400,000''.
On page 2658, line 14, strike ''$500,000,000'' and insert ''$5,000,000,000''.
On page 2658, line 20, strike ''$100,000,000'' and insert ''$1,000,000,000''.
On page 2658, line 22, strike ''$400,000,000'' and insert ''$4,000,000,000''.
On page 2659, line 2, strike ''$15,000,000'' and insert ''$150,000,000''.

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**SA 2168.** Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

**SEC. 60_____. ACCESS TO DEVICES.**

(a) SHORT TITLE.—This section may be cited as the ''Device Access for Every American Act''.

(b) FINDINGS.—Congress finds that—

(1) approximately 25 percent of adults in the United States do not own a computer;

(2) 4,400,000 households with students still lack consistent access to a computer, which prevents those students from completing schoolwork;

(3) there are no reliable estimates about the number of students forced to share a computer with another member of their household, potentially forcing the household to choose between important online activities such as work and learning;

(4) for those households without a computer or tablet, most cannot afford one; and

(5) while computer access is nearly ubiquitous among high-income households, 40 percent of low-income adults lack a computer.

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) CONNECTED DEVICE.—The term ''connected device'' means any of the following:

(A) A desktop computer.

(B) A laptop computer.

(C) A tablet computer.

(D) Any similar device (except for a telephone or smartphone) that the Commission determines should be eligible for the use of a voucher under the program.

(3) ELIGIBLE EXPENSES.—The term ''eligible expenses'' means, with respect to a connected device—

(A) the retail price of the connected device;

(B) any sales taxes collected by the retailer with respect to the sale of the connected device;

(C) any shipping charges assessed by the retailer with respect to the connected device; and

(D) any reasonable (as defined by the Commission) product warranty and technical support services.

(4) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an individual who is a member of an eligible household, as defined in section 904(a)(6) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), except that—

(A) in determining under subparagraph (A) of such section 904(a)(6) for purposes of this paragraph whether at least 1 member of the household meets the qualifications in subsection (a) or (b) of section 54.409 of title 47, Code of Federal Regulations, or any successor regulation, paragraph (1) of such subsection (a) shall be applied by striking ''135 percent'' and inserting ''150 percent''; and

(B) subparagraphs (C) and (E) of such section 904(a)(6) shall not apply for purposes of this paragraph.

(5) PROGRAM.—The term ''Program'' means the program established under subsection (d).

(d) CONNECTED DEVICE VOUCHER PROGRAM.—

(1) ESTABLISHMENT; REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Commission shall establish, and promulgate regulations to implement in accordance with this section, a program through which—

(A) an eligible individual may obtain a voucher that can be applied toward the purchase of a connected device from a retailer; and

(B) the Commission reimburses the retailer in an amount equal to the lesser of—

(i) the amount of the voucher; or

(ii) the eligible expenses with respect to the connected device.

(2) AMOUNT OF VOUCHER.—

(A) IN GENERAL.—The amount of a voucher under the Program shall be $400, as such amount may be adjusted by the Commission under subparagraph (B).

(B) REEVALUATION; ADJUSTMENT.—Not later than 3 years after the date on which the Commission promulgates regulations under paragraph (1), and every 3 years thereafter, the Commission shall—

(i) reevaluate the amount of the voucher; and

(ii) after conducting such reevaluation, if necessary to ensure that the voucher reflects the average amount of eligible expenses with respect to a connected device, adjust the amount of the voucher.

(C) PRICE OF CONNECTED DEVICE EXCEEDING AMOUNT OF VOUCHER.—If the eligible expenses with respect to a connected device exceed the amount of the voucher, an eligible individual may—

(i) apply the voucher to such expenses; and

(ii) pay the remainder of such expenses to the retailer from other funds available to the individual.

(3) NUMBER AND FREQUENCY OF VOUCHERS.—An eligible individual may obtain 1 voucher under the Program every 4 years, except that not more than 2 eligible individuals per household may obtain a voucher under the Program every 4 years.

(4) MINIMUM STANDARDS FOR CONNECTED DEVICES.—

(A) IN GENERAL.—A voucher under the Program may not be applied toward the purchase of a connected device unless the connected device meets minimum standards to ensure that connected devices meet the needs of the average user, which the Commission shall establish in the regulations promulgated under paragraph (1).

(B) REEVALUATION; REVISION.—Not later than 3 years after the date on which the Commission promulgates regulations under paragraph (1), and every 3 years thereafter, the Commission shall—

(i) reevaluate the minimum standards established under subparagraph (A); and

(ii) after conducting such reevaluation, if necessary to ensure that connected devices continue to meet the needs of the average user, revise such minimum standards.

(C) STANDARDS FOR NEW AND REFURBISHED DEVICES.—The Commission may establish separate minimum standards under subparagraph (A) for new connected devices and for refurbished connected devices.

(5) COLLABORATION WITH RETAILERS.—

(A) IN GENERAL.—The Commission shall collaborate with retailers to ensure the wide acceptance of vouchers and the wide availability of covered devices that will be free of charge to consumers after applying a voucher.

(B) WEBSITE.—The Commission shall establish a website, which shall—

(i) link to offerings by retailers of connected devices eligible for the use of a voucher under the Program so that a consumer may initiate the purchase of such a device using the voucher through the website; and

(ii) if the number of vouchers available over a particular time period is limited, indicate the number of vouchers remaining.

(C) CATALOG.—The Commission shall establish a catalog, which shall—

(i) be accessible to consumers without internet access and include offerings by retailers of connected devices eligible for the use of a voucher under the Program; and

(ii) if the number of vouchers available over a particular time period is limited, indicate the number of vouchers remaining.

(6) ADVERTISEMENT OF PROGRAM.—The Commission shall advertise the availability of the Program, including by carrying out advertising campaigns in collaboration with retailers of connected devices.

(7) TECHNICAL ASSISTANCE.—The Commission shall provide technical assistance to retailers, eligible individuals, and community-based organizations regarding participation in the Program.

(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission for fiscal year 2022, to remain available until September 30, 2026, $2,000,000,000 to carry out this section, of which not more than 3 percent may be used to administer and promote the Program.

(e) ENFORCEMENT.—

(1) VIOLATIONS.—A violation of this section or a regulation promulgated under this section shall be treated as a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a regulation promulgated under such Act.

(2) ENFORCEMENT MANNER.—The Commission shall enforce this section and the regulations promulgated under this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Communications Act of 1934 (47 U.S.C. 151 et seq.) were incorporated into and made a part of this section.

(3) USE OF UNIVERSAL SERVICE ADMINISTRATIVE COMPANY PERMITTED.—The Commission shall have the authority to avail itself of the services of the Universal Service Administrative Company to implement the Program,

including developing and processing reimbursements and distributing funds.

(f) PAPERWORK REDUCTION ACT REQUIREMENTS.—A collection of information conducted or sponsored under the regulations required under subsection (d) shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(g) PRIVACY ACT.—The requirement to publish notices related to system of records notices or computer matching agreements of the agency before implementation required under paragraphs (4), (11), and (12) of section 552a(e) and to provide adequate advanced notice under section 552a(r) of title 5, United States Code (commonly known as the ''Privacy Act of 1974'') shall not apply when the matching program is necessary to determine eligibility under the Program, except that the notices shall be—

(1) sent to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Office of Management and Budget; and

(2) simultaneously submitted for publication in the Federal Register.

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**SA 2169.** Mr. REED submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

## DIVISION K—BUILD AMERICA'S LIBRARIES ACT

**SEC. 100001. SHORT TITLE.**

This division may be cited as the ''Build America's Libraries Act''.

**SEC. 100002. PURPOSE.**

The purpose of this division is to support long-term improvements to library facilities (including addressing needs that have arisen due to COVID–19) in order for libraries to better serve underserved and distressed communities, low-income and rural areas, and people with disabilities and vulnerable library users including children and seniors.

**SEC. 100003. DEFINITIONS.**

In this division:

(1) DIRECTOR.—The term ''Director'' has the meaning given the term in section 202 of the Museum and Library Services Act (20 U.S.C. 9101).

(2) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 202 of the Museum and Library Services Act (20 U.S.C. 9101).

(3) LIBRARY.—The term ''library'' has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

(4) STATE.—The term ''State'' has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

(5) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term ''State library administrative agency'' has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

**SEC. 100004.** BUILD AMERICA'S LIBRARIES FUND**.—**

(a) ESTABLISHMENT.—From the amount appropriated under section 100009, there is established a Build America's Libraries Fund for the purpose of supporting long-term improvements to library facilities in accordance with this division.

(b) RESERVATIONS.—From the amount available in the Build America's Libraries Fund, the Director shall reserve 3 percent to award grants to Indian Tribes and to organizations that primarily serve and represent Native Hawaiians, in the same manner as the Director makes grants under section 261 of the Library Services and Technology Act (20 U.S.C. 9161) to enable such Indian Tribes and organizations to carry out the activities described in paragraphs (1) through (9) of section 100005(c).

**SEC. 100005. ALLOCATION TO STATES.**

(a) ALLOCATION TO STATES.—

(1) STATE-BY-STATE ALLOCATION.—

(A) IN GENERAL.—From the amount available in the Build America's Libraries Fund and not reserved under section 100004(b), each State that has a plan approved by the Director under subsection (b) shall be allocated an amount in the same manner as the Director makes allotments to States under section 221(b) of the Library Services and Technology Act (20 U.S.C. 9131(b)), except that, for purposes of this section, the minimum allotment for each State shall be $10,000,000, except that the minimum allotment shall be $500,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(B) REALLOCATION OF REMAINING FUNDS.—

(i) IN GENERAL.—From the remainder of any amounts not reserved or allocated under subparagraph (A), on the date that is 1 year after the date of enactment of this division, the Director shall allocate to each State that has a plan approved by the Director under subsection (b), an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

(ii) DATA.—For the purposes of clause (i), the population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

(2) STATE RESERVATIONS.—A State shall reserve not more than 4 percent of its allocation under paragraph (1) for administrative costs and to provide technical assistance to libraries that are eligible to apply for a grant under section 100006.

(b) STATE PLAN.—

(1) IN GENERAL.—To be eligible to receive an allocation under this section, a State library administrative agency shall submit to the Director a plan that includes such information as the Director may require, including at a minimum—

(A) a description of how the State will use the allocation to make long-term improvements to library facilities with a focus on underserved and marginalized communities;

(B) a description regarding how the State will carry out its responsibility to provide technical assistance under subsection (a)(2), including providing, as appropriate, training and resources to help library staff maximize the use, functionality, and accessibility of library facilities improved under this section;

(C) a description regarding how the State will make the determinations of eligibility and priority under subsections (b) and (d) of section 100006;

(D) a certification that the State has met the maintenance of effort requirements under section 223(c) of the Library Services and Technology Act (20 U.S.C. 9133(c)); and

(E) an assurance that the State will meet the supplement not supplant requirement under section 100007(c).

(2) APPROVAL.—

(A) IN GENERAL.—The Director shall approve a State plan submitted under paragraph (1) that meets the requirements of paragraph (1) and provides satisfactory assurances that the provisions of such plan will be carried out.

(B) PUBLIC AVAILABILITY.—Each State library administrative agency receiving an allocation under this section shall make the State plan available to the public, including through electronic means.

(C) ADMINISTRATION.—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

(i) immediately notify the State library administrative agency of such determination and the reasons for such determination;

(ii) offer the State library administrative agency the opportunity to revise its State plan;

(iii) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

(iv) provide the State library administrative agency the opportunity for a hearing.

(c) USES OF FUNDS.—Each State receiving an allocation under this section shall use the funds for any 1 or more of the following:

(1) Constructing, renovating, modernizing, or retrofitting library facilities in the State, which may include—

(A) financing new library facilities;

(B) making capital improvements to existing library facilities, including buildings, facilities, grounds, and bookmobiles;

(C) enhancing library facilities to improve the overall safety and health of library patrons and staff, including improvements directly related to reducing the risk of community spread of COVID–19; and

(D) addressing the vulnerability of library facilities to natural disasters and hazards.

(2) Investing in infrastructure projects related to improving internet access and connectivity in library facilities and for library patrons, including projects related to high-speed broadband, technology hardware, and mobile hotspots and similar equipment.

(3) Improving energy and water efficiency and addressing the environmental impacts of library facilities.

(4) Improving indoor air quality and ventilation in library facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering and other air cleaning, fans, control systems, and window and door repair and replacement.

(5) Reducing or eliminating the presence in library facilities of potential hazards to library staff and patrons, including—

(A) toxic substances, including mercury, radon, PCBs, lead, and asbestos; or

(B) mold and mildew.

(6) Ensuring the safety of drinking water at the tap in library facilities, which may include testing of the potability of water at the tap for the presence of lead and other contaminants.

(7) Ensuring that library facilities are—

(A) accessible to people with disabilities, including by implementing universal and inclusive design; and

(B) in compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(8) Improving library facilities for the purposes of supporting place-based services or community-based partnerships that provide library patrons with access to educational, workforce, behavioral health, mental health, and social services.

(9) Assessing the condition of existing library facilities and the need for new or improved library facilities and developing facilities master plans.

**SEC. 100006. NEED-BASED GRANTS TO LIBRARIES.**

(a) GRANTS TO LIBRARIES.—From the amounts allocated to a State under section 100005(a), the State library administrative agency shall award grants to libraries, on a competitive basis, to carry out the activities described in paragraphs (1) through (9) of section 100005(c).

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a library shall be—

(1) a public library;

(2) a tribal library; or

(3) a State library or a State archive, with respect to outlets and facilities that provide library service directly to the general public.

(c) APPLICATION.—A library described in subsection (b) that desires to receive a grant under this section shall submit an application to the State library administrative agency at such time, in such manner, and containing such information as the State library administrative agency may require, including—

(1) the information necessary for the State to make a determination of the library's eligibility for the grant and priority under subsection (d); and

(2) a description of the projects that the library plans to carry out with the grant, in accordance with paragraphs (1) through (9) of section 100005(c), including—

(A) the rationale the library used to select such project; and

(B) a description of how the library took into consideration the impacts of such projects on underserved or marginalized communities, including families with incomes below the poverty line (as defined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(d) PRIORITY OF GRANTS.—In awarding grants under this section, the State—

(1) shall give first priority to eligible libraries that demonstrate the greatest need for such a grant in order to plan for, and make long-term improvements to, library facilities that predominantly provide service to underserved or marginalized communities, including families with incomes below the poverty line (as defined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); and

(2) may additionally give priority to eligible libraries that will use the grant to replace, renovate, modernize, or retrofit existing library facilities in order to—

(A) make health, safety, resiliency, hazard mitigation, or emergency preparedness improvements to existing library facilities that pose a severe health or safety threat to library patrons or staff, which may include a threat posed by the proximity of the facilities to toxic sites or the vulnerability of the facilities to natural disasters;

(B) install or upgrade hardware that will improve access to high-speed broadband for library patrons of the library facilities;

(C) improve access for library patrons or staff with disabilities to use the library facilities and its equipment; or

(D) improve the energy efficiency of or reduce the carbon emissions or negative environmental impacts resulting from the existing library facilities.

(e) SUPPLEMENT NOT SUPPLANT.—A library shall use a grant received under this section only to supplement the level of Federal, State, and local public funds that would, in the absence of such grant, be made available for the activities supported by the grant, and not to supplant such funds.

**SEC. 100007. ADMINISTRATION AND OVERSIGHT.**

(a) NO PROHIBITION AGAINST CONSTRUCTION.—Section 210A of the Museum and Library Services Act (20 U.S.C. 9109) shall not apply to this division.

(b) NO MATCHING REQUIREMENT OR NON-FEDERAL SHARE.—Notwithstanding any other provision of law, a State, Indian Tribe, organization, library, or other entity that receives funds under this division shall not be required to provide matching funds or a non-Federal share toward the cost of the activities carried out with the funds.

(c) SUPPLEMENT NOT SUPPLANT.—A State shall use an allocation received under section 100005 only to supplement the level of Federal, State, and local public funds that would, in absence of such allocation, be made available for the activities supported by the allocation, and not to supplant such funds.

(d) ADMINISTRATIVE COSTS.—From the amount appropriated under section 100009, the Director may allocate not more than 3 percent of such amount for program administration, oversight activities, research, analysis, and data collection related to the purposes of the Build America's Libraries Fund.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this division and annually thereafter until all funds provided under this division have been expended, the Director shall issue reports to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Appropriations and the Committee on Education and Labor of the House of Representatives detailing how funding under this division has been spent and its impact on improving library services in communities that are served, including underserved and marginalized populations, Indian Tribes, and Native Hawaiian communities, and shall make such reports publicly available on the website of the Institute of Museum and Library Services.

(2) STATE REPORT.—A State that receives funds under this division shall, not later than 1 year after the date of enactment of this division, and annually thereafter until all funds have been expended, submit a report to the Director at such time and in such manner as the Director may require.

(f) AMERICAN IRON AND STEEL PRODUCTS.—

(1) IN GENERAL.—As a condition on receipt of funds under this division for a project, an entity shall ensure that all of the iron and steel products used in the project are produced in the United States.

(2) APPLICATION.—Paragraph (1) shall be waived in any case or category of cases in which the Director finds that—

(A) applying subparagraph (A) would be inconsistent with the public interest;

(B) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(C) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(3) WAIVER.—If the Director receives a request for a waiver under this subsection, the Director shall make available to the public, on an informal basis, a copy of the request and information available to the Director concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Director shall make the request and accompanying information available by electronic means.

(4) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

(5) MANAGEMENT AND OVERSIGHT.—The Director may retain up to 0.25 percent of the funds appropriated for this division for management and oversight of the requirements of this subsection.

(6) EFFECTIVE DATE.—This paragraph does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of this division.

**SEC. 100008. OTHER REQUIREMENTS.**

For fiscal year 2022 and each succeeding fiscal year, with respect to each contract or subcontract funded, in whole or in part, under this division—

(1) the provisions of subchapter IV of chapter 31 of title 40, United States Code, shall apply with respect to laborers or mechanics for each construction contract or subcontract funded, in whole or in part, under this division; and

(2) the provisions of chapter 67 of title 41, United States Code, shall apply with respect to service employees for each contract or subcontract funded, in whole or in part, under this division, except that, for purposes of such chapter, the term ''service employee'' shall—

(A) have the meaning given the term in section 6701 of such title;

(B) include employees that are routine operations workers or routine maintenance workers; and

(C) not include any employee covered under paragraph (1).

**SEC. 100009. APPROPRIATION OF FUNDS.**

There is authorized to be appropriated, and there is appropriated, to carry out this division, $5,000,000,000, for the period of fiscal years 2022 through 2024, to remain available until expended.

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**SA 2170.** Mr. REED submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division G, add the following:

**TITLE XII—REOPEN AND REBUILD AMERICA'S SCHOOLS**

**SEC. 72001. SHORT TITLE.**

This title may be cited as the ''Reopen and Rebuild America's Schools Act of 2021''.

**SEC. 72002. DEFINITIONS.**

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(2) BUREAU-FUNDED SCHOOL.—The term ''Bureau-funded school'' has the meaning given that term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(3) COVERED FUNDS.—The term ''covered funds'' means funds received—

(A) under subtitle A of this Act;

(B) from a school infrastructure bond; or

(C) from a qualified zone academy bond (as such term is defined in section 54E of the Internal Revenue Code of 1986 (as restored by section 72111)).

(4) ESEA TERMS.—The terms ''elementary school'', ''outlying area'', and ''secondary school'' have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning

given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) except that such term does not include a Bureau-funded school.

(6) PUBLIC SCHOOL FACILITIES.—The term ''public school facilities'' means the facilities of a public elementary school or a public secondary school.

(7) QUALIFIED LOCAL EDUCATIONAL AGENCY.—The term ''qualified local educational agency'' means a local educational agency that receives funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(8) SCHOOL INFRASTRUCTURE BOND.—The term ''school infrastructure bond'' has the meaning given such term in section 54BB of the Internal Revenue Code of 1986 (as added by section 72112).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(10) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(11) ZERO ENERGY SCHOOL.—The term ''zero energy school'' means a public elementary school or public secondary school that—

(A) generates renewable energy on-site; and

(B) on an annual basis, exports an amount of such renewable energy that equals or exceeds the total amount of renewable energy that is delivered to the school from outside sources.

**Subtitle A—Grants for the Long-term Improvement of Public School Facilities**

**SEC. 72101. PURPOSE AND RESERVATION.**

(a) PURPOSE.—Funds made available under this subtitle shall be for the purpose of supporting long-term improvements to public school facilities in accordance with this title.

(b) RESERVATION FOR OUTLYING AREAS AND BUREAU-FUNDED SCHOOLS.—

(1) IN GENERAL.—For each of fiscal years 2022 through 2026, the Secretary shall reserve, from the amount appropriated to carry out this subtitle—

(A) one-half of 1 percent, to make allocations to the outlying areas in accordance with paragraph (3); and

(B) one-half of 1 percent, for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(2) USE OF RESERVED FUNDS.—

(A) IN GENERAL.—Funds reserved under paragraph (1) shall be used in accordance with subtitle C.

(B) SPECIAL RULES FOR BUREAU-FUNDED SCHOOLS.—

(i) APPLICABILITY.—The provisions of subtitle C shall apply to a Bureau-funded school that receives assistance under paragraph (1)(B) in the same manner that such provisions apply to a qualified local educational agency that receives covered funds. The facilities of a Bureau-funded school shall be treated as public school facilities for purposes of the application of such provisions.

(ii) TREATMENT OF TRIBALLY OPERATED SCHOOLS.—The Secretary of the Interior shall provide assistance to Bureau-funded schools under paragraph (1)(B) without regard to whether such schools are operated by the Bureau of Indian Education or by an Indian Tribe. In the case of a Bureau-funded school that is a contract or grant school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)) operated by an Indian Tribe, the Secretary of the Interior shall provide assistance under such paragraph to the Indian Tribe concerned.

(3) ALLOCATION TO OUTLYING AREAS.—From the amount reserved under paragraph (1)(A) for a fiscal year, the Secretary shall allocate to each outlying area an amount in proportion to the amount received by the outlying area under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total such amount received by all outlying areas for such previous fiscal year.

**SEC. 72102. ALLOCATION TO STATES.**

(a) ALLOCATION TO STATES.—

(1) STATE-BY-STATE ALLOCATION.—

(A) FISCAL YEAR 2022.—Of the amount appropriated to carry out this subtitle for fiscal year 2022 and not reserved under section 72101(b), not later than 30 days after such funds are appropriated, each State that provides an assurance to the Secretary that the State will comply with the requirements of subsection (c) shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received under such part for such fiscal year by all local educational agencies in every State that provides such an assurance to the Secretary.

(B) OTHER FISCAL YEARS.—Of the amount appropriated to carry out this subtitle for each fiscal year other than fiscal year 2022 and not reserved under section 72101(b), each State that has a plan approved by the Secretary under subsection (b) shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received under such part for such fiscal year by all local educational agencies in every State that has a plan approved by the Secretary under subsection (b).

(2) STATE RESERVATION.—A State may reserve not more than 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this title, which—

(A) shall include—

(i) providing technical assistance to local educational agencies, including by—

(I) identifying which State agencies have programs, resources, and expertise relevant to the activities supported by the allocation under this section; and

(II) coordinating the provision of technical assistance across such agencies;

(ii) in accordance with the guidance issued by the Secretary under section 72103, developing an online, publicly searchable database that contains an inventory of the infrastructure of all public school facilities in the State (including the facilities of Bureau-funded schools, as appropriate), including, with respect to each such facility, an identification of—

(I) the information described in subclauses (I) through (VII) of clause (vi);

(II) the age (including an identification of the date of any retrofits or recent renovations) of—

(aa) the facility;

(bb) its roof;

(cc) its lighting system;

(dd) its windows;

(ee) its ceilings;

(ff) its plumbing; and

(gg) its heating, ventilation, and air conditioning system;

(III) fire safety inspection results;

(IV) the proximity of the facilities to toxic sites or the vulnerability of the facilities to natural disasters, including the extent to which facilities that are vulnerable to seismic natural disasters are seismically retrofitted;

(V) any previous inspections showing the presence of toxic substances; and

(VI) any improvements that are needed to support indoor and outdoor social distancing, personal hygiene, and building hygiene (including with respect to heating, ventilation, and air conditioning usage) in school facilities, consistent with guidance issued by the Centers for Disease Control and Prevention;

(iii) updating the database developed under clause (ii) not less frequently than once every 2 years;

(iv) ensuring that the information in the database developed under clause (ii)—

(I) is posted on a publicly accessible State website; and

(II) is regularly distributed to local educational agencies and Tribal governments in the State;

(v) issuing and reviewing regulations to ensure the health and safety of students and staff during construction or renovation projects;

(vi) issuing or reviewing regulations to ensure safe, healthy, and high-performing school buildings, including regulations governing—

(I) indoor environmental quality and ventilation, including exposure to carbon monoxide, carbon dioxide, lead-based paint, and other combustion by-products such as oxides of nitrogen;

(II) mold, mildew, and moisture control;

(III) the safety of drinking water at the tap and water used for meal preparation, including regulations that—

(aa) address the presence of lead and other contaminants in such water; and

(bb) require the regular testing of the potability of water at the tap;

(IV) energy and water efficiency;

(V) excessive classroom noise due to activities allowable under section 72101;

(VI) the levels of maintenance work, operational spending, and capital investment needed to maintain the quality of public school facilities; and

(VII) the construction or renovation of such facilities, including applicable building codes; and

(vii) creating a plan to reduce or eliminate exposure to toxic substances, including mercury, radon, PCBs, lead, vapor intrusions, and asbestos; and

(B) may include the development of a plan to increase the number of zero energy schools in the State.

(b) STATE PLAN.—

(1) IN GENERAL.—Except as provided in paragraph (2), to be eligible to receive an allocation under this section, a State shall submit to the Secretary a plan that—

(A) describes how the State will use the allocation to make long-term improvements to public school facilities;

(B) explains how the State will carry out each of its responsibilities under subsection (a)(2);

(C) explains how the State will make the determinations under subsections (b) through (d) of section 72103;

(D) identifies how long, and at what levels, the State will maintain fiscal effort for the activities supported by the allocation after the State no longer receives the allocation; and

(E) includes such other information as the Secretary may require.

(2) EXPEDITED PROCESS FOR FISCAL YEAR 2022.—

(A) ASSURANCE TO SECRETARY.—To be eligible to receive an allocation for fiscal year 2022 under section 72101(a)(1)(A), a State shall provide to the Secretary an assurance that the State will comply with the requirements of section 72103(c).

(B) SUBMITTAL OF STATE PLAN.—A State shall not be required to submit a State plan

under paragraph (1) before receiving an allocation for fiscal year 2022 under subsection (a)(1)(A). A State that receives an allocation under such section for such fiscal year shall submit to the Secretary the State plan described in paragraph (1) not later than 90 days after the date on which such allocation is received.

(3) APPROVAL AND DISAPPROVAL.—The Secretary shall have the authority to approve or disapprove a State plan submitted under paragraph (1).

(c) CONDITIONS.—As a condition of receiving an allocation under this section, a State shall agree to the following:

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The State shall contribute, from non-Federal sources, an amount equal to 10 percent of the amount of the allocation received under this section to carry out the activities supported by the allocation.

(B) DEADLINE.—The State shall provide any contribution required under subparagraph (A) not later than September 30, 2030.

(C) CERTAIN FISCAL YEARS.—With respect to a fiscal year for which more than $7,000,000,000 are appropriated to carry out this subtitle, subparagraph (A) shall be applied as if '', from non-Federal sources,'' were struck.

(D) COMMITMENT TO PROPORTIONAL STATE INVESTMENT IN SCHOOL FACILITIES.—

(i) IN GENERAL.—The State shall provide an assurance to the Secretary that for each fiscal year that the State receives an allocation under this section, the State's share of school facilities capital outlay will be not less than 90 percent of the average of the State's share of school facilities capital outlay for the 5 years preceding the fiscal year for which the allocation is received.

(ii) STATE'S SHARE OF SCHOOL FACILITIES CAPITAL OUTLAY.—In this subparagraph, the term ''State's share of school facilities capital outlay'' means—

(I) the total State expenditures on school facilities capital outlay projects; divided by

(II) the total school facilities capital expenditures in the State on school facilities capital outlay projects.

(iii) TOTAL STATE EXPENDITURES.—In this subparagraph, the term ''total State expenditures'' means the State's total expenditures (from funds other than an allocation under this section) on school facilities capital outlay projects, including—

(I) any direct expenditures by the State for the purpose of school facilities capital outlay projects; and

(II) funds provided by the State to local educational agencies for the purpose of school facilities capital outlay projects.

(iv) TOTAL SCHOOL FACILITIES CAPITAL EXPENDITURES IN THE STATE.—In this subparagraph, the term ''total school facilities capital expenditures in the State'', means the sum of—

(I) the total State expenditures calculated under clause (iii); plus

(II) all additional expenditures (from funds other than an allocation under this section) on school facilities capital outlay projects by local educational agencies in the State that were not included in the calculation of total State expenditures under clause (iii).

(2) SUPPLEMENT NOT SUPPLANT.—The State shall use an allocation under this section only to supplement the level of Federal, State, and local public funds that would, in absence of such allocation, be made available for the activities supported by the allocation, and not to supplant such funds.

**SEC. 72103. NEED-BASED GRANTS TO QUALIFIED LOCAL EDUCATIONAL AGENCIES.**

(a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), from the amounts allocated to a State under section 72102(a) and contributed by the State under section 72102(c)(1), the State shall award grants to qualified local educational agencies, on a competitive basis, to carry out the activities described in section 72101(a).

(2) ALLOWANCE FOR DIGITAL LEARNING.—A State may use up to 10 percent of the amount described in paragraph (1) to make grants to qualified local educational agencies carry out activities to improve digital learning in accordance with section 72101(b).

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section a qualified local educational agency—

(A) shall be among the local educational agencies in the State with the highest numbers or percentages of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c));

(B) shall agree to prioritize the improvement of the facilities of public schools that serve the highest percentages of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) (which, in the case of a high school, may be calculated using comparable data from the schools that feed into the high school), as compared to other public schools in the jurisdiction of the agency; and

(C) shall be among the local educational agencies in the State with the most limited capacity to raise funds for the long-term improvement of public school facilities, as determined by an assessment of—

(i) the current and historic ability of the agency to raise funds for construction, renovation, modernization, and major repair projects for schools;

(ii) whether the agency has been able to issue bonds or receive other funds to support school construction projects; and

(iii) the bond rating of the agency.

(2) EQUITABLE DISTRIBUTION.—

(A) NUMBERS AND PERCENTAGES OF CERTAIN STUDENTS.—In making the determination under paragraph (1)(A), the State shall ensure that grants under this section are equitably distributed among—

(i) qualified local educational agencies in the State with the highest numbers of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(ii) qualified local educational agencies in the State with the highest percentages of students counted under such section.

(B) GEOGRAPHIC DIVERSITY.—The State shall ensure that grants under this section are awarded to qualified local educational agencies that represent the geographic diversity of the State.

(3) STATEWIDE THRESHOLDS.—The State shall establish reasonable thresholds for determining whether a local educational agency is among agencies in the State with the highest numbers or percentages of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)) as required under paragraph (1)(A).

(c) PRIORITY OF GRANTS FOR FISCAL YEAR 2022.—In awarding grants under this section for fiscal year 2022—

(1) the State shall first award grants to qualified local educational agencies that meet the requirements of subsection (d)(1) that will use the grant to improve the facilities of schools described in subsection (d)(1)(B) to support indoor and outdoor social distancing, personal hygiene, and building hygiene (including with respect to heating, ventilation, and air conditioning usage) in school facilities, consistent with guidance issued by the Centers for Disease Control and Prevention; and

(2) from any funds remaining after making grants to qualified local educational agencies that meet the requirements of paragraph (1), the State may award grants to other qualified local educational agencies in accordance with the priorities established under subsection (d).

(d) PRIORITY OF GRANTS FOR OTHER FISCAL YEARS.—Except as provided in subsection (c), in awarding grants under this section, the State shall give priority to qualified local educational agencies that—

(1)(A) demonstrate the greatest need for such a grant, as determined by a comparison of the factors described in subsection (b)(1) and other indicators of need in the public school facilities of such local educational agencies, including—

(i) the median age of facilities;

(ii) the extent to which student enrollment exceeds physical and instructional capacity;

(iii) the condition of major building systems such as heating, ventilation, air conditioning, electrical, water, and sewer systems;

(iv) the condition of roofs, windows, and doors; and

(v) other critical health and safety conditions;

(B) will use the grant to improve the facilities of—

(i) elementary schools or middle schools that have an enrollment of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) that constitutes not less than 40 percent of the total student enrollment at such schools; or

(ii) high schools that have an enrollment of students who are eligible for a free or reduced price lunch under such Act that constitutes not less than 30 percent of the total student enrollment at such schools (which may be calculated using comparable data from the schools that feed into the high school); and

(C) operate public school facilities that pose a severe health and safety threat to students and staff, which may include consideration of threats posed by the proximity of the facilities to toxic sites or brownfield sites or the vulnerability of the facilities to natural disasters; or

(2)(A) will use the grant to improve access to high-speed broadband sufficient to support digital learning in accordance with section 72101(b);

(B) serve elementary schools or secondary schools, including rural schools, that lack such access; and

(C) meet one or more of the requirements set forth in subparagraphs (A) through (C) of paragraph (1).

(e) APPLICATION.—To be considered for a grant under this section, a qualified local educational agency shall submit an application to the State at such time, in such manner, and containing such information as the State may require. Such application shall include, at minimum—

(1) the information necessary for the State to make the determinations under subsections (b) through (d);

(2) a description of the projects that the agency plans to carry out with the grant;

(3) an explanation of how such projects will reduce risks to the health and safety of staff and students at schools served by the agency; and

(4) in the case of a local educational agency that proposes to fund a repair, renovation, or construction project for a public charter school, the extent to which—

(A) the public charter school lacks access to funding for school repair, renovation, and construction through the financing methods

available to other public schools or local educational agencies in the State; and

(B) the charter school operator owns or has care and control of the facility that is to be repaired, renovated, or constructed.

(f) FACILITIES MASTER PLAN.—

(1) PLAN REQUIRED.—Not later than 180 days after receiving a grant under this section, a qualified local educational agency shall submit to the State a comprehensive 10-year facilities master plan.

(2) ELEMENTS.—The facilities master plan required under paragraph (1) shall include, with respect to all public school facilities of the qualified local educational agency, a description of—

(A) the extent to which public school facilities meet students' educational needs and support the agency's educational mission and vision;

(B) the physical condition of the public school facilities;

(C) the current health, safety, and environmental conditions of the public school facilities, including—

(i) indoor air quality;

(ii) the presence of toxic substances;

(iii) the safety of drinking water at the tap and water used for meal preparation, including the level of lead and other contaminants in such water;

(iv) energy and water efficiency;

(v) excessive classroom noise; and

(vi) other health, safety, and environmental conditions that would impact the health, safety, and learning ability of students;

(D) how the local educational agency will address any conditions identified under subparagraph (C);

(E) the impact of current and future student enrollment levels (as of the date of application) on the design of current and future public school facilities, as well as the financial implications of such enrollment levels;

(F) the dollar amount and percentage of funds the local educational agency will dedicate to capital construction projects for public school facilities, including—

(i) any funds in the budget of the agency that will be dedicated to such projects; and

(ii) any funds not in the budget of the agency that will be dedicated to such projects, including any funds available to the agency as the result of a bond issue; and

(G) the dollar amount and percentage of funds the local educational agency will dedicate to the maintenance and operation of public school facilities, including—

(i) any funds in the budget of the agency that will be dedicated to the maintenance and operation of such facilities; and

(ii) any funds not in the budget of the agency that will be dedicated to the maintenance and operation of such facilities.

(3) CONSULTATION.—In developing the facilities master plan required under paragraph (1)—

(A) a qualified local educational agency shall consult with teachers, principals and other school leaders, custodial and maintenance staff, emergency first responders, school facilities directors, students and families, community residents, and Indian Tribes; and

(B) in addition to the consultation required under subparagraph (A), a Bureau-funded school shall consult with the Bureau of Indian Education.

(g) SUPPLEMENT NOT SUPPLANT.—A qualified local educational agency shall use a grant received under this section only to supplement the level of Federal, State, and local public funds that would, in the absence of such grant, be made available for the activities supported by the grant, and not to supplant such funds.

**SEC. 72104. ANNUAL REPORT ON GRANT PROGRAM.**

(a) IN GENERAL.—Not later than September 30 of each fiscal year beginning after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the projects carried out with funds made available under this subtitle.

(b) ELEMENTS.—The report under subsection (a) shall include, with respect to the fiscal year preceding the year in which the report is submitted, the following:

(1) An identification of each local educational agency that received a grant under this subtitle.

(2) With respect to each such agency, a description of—

(A) the demographic composition of the student population served by the agency, disaggregated by—

(i) race;

(ii) the number and percentage of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(iii) the number and percentage of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(B) the population density of the geographic area served by the agency;

(C) the projects for which the agency used the grant received under this subtitle, described using measurements of school facility quality from the most recent available version of the Common Education Data Standards published by the National Center for Education Statistics;

(D) the demonstrable or expected benefits of the projects; and

(E) the estimated number of jobs created by the projects.

(3) The total dollar amount of all grants received by local educational agencies under this subtitle.

(c) LEA INFORMATION COLLECTION.—A local educational agency that receives a grant under this subtitle shall—

(1) annually compile the information described in subsection (b)(2);

(2) make the information available to the public, including by posting the information on a publicly accessible agency website; and

(3) submit the information to the State.

(d) STATE INFORMATION DISTRIBUTION.—A State that receives information from a local educational agency under subsection (c) shall—

(1) compile the information and report it annually to the Secretary at such time and in such manner as the Secretary may require;

(2) make the information available to the public, including by posting the information on a publicly accessible State website; and

(3) regularly distribute the information to local educational agencies and Tribal governments in the State.

**SEC. 72105. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated, and there are appropriated, $20,000,000,000 for each of fiscal years 2022 through 2026 to carry out this subtitle. Amounts so appropriated are authorized to remain available through fiscal year 2031.

**Subtitle B—School Infrastructure Bonds**

**SEC. 72111. RESTORATION OF CERTAIN QUALIFIED TAX CREDIT BONDS.**

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Section 54A of the Internal Revenue Code of 1986, as in effect on the day before repeal by Public Law 115–97, is revived.

(2) CREDIT LIMITED TO CERTAIN BONDS.—

(A) IN GENERAL.—Section 54A(d)(1) of such Code, as revived by paragraph (1), is amended by striking ''means—'' and all that follows through ''which is part'' and inserting ''means a qualified zone academy bond which is part''.

(B) CONFORMING AMENDMENT.—Section 54A(c)(2)(C) of such Code, as revived by paragraph (1), is amended by striking ''means—'' and all that follows and inserting ''a purpose specified in section 54E(a)(1)''.

(3) CONFORMING AMENDMENTS.—

(A) The Internal Revenue Code of 1986 is amended by inserting before section 54A (as revived by paragraph (1)) the following:

**''Subpart I—Qualified Tax Credit Bonds**

''Sec. 54A. Credit to holder of qualified tax credit bonds.''.

(B) Section 6401(b)(1) of such Code is amended by striking ''and G'' and inserting ''G, and I''.

(C) The table of subparts for part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following:

''SUBPART I—QUALIFIED TAX CREDIT BONDS''.

(b) CREDIT ALLOWED TO ISSUER.—

(1) IN GENERAL.—Section 6431 of the Internal Revenue Code of 1986, as in effect on the day before repeal by Public Law 115–97, is revived.

(2) CONFORMING AMENDMENT.—Section 6211(b)(4) of such Code is amended by striking ''and 6428A'' and inserting ''6428A, and 6431''.

(c) QUALIFIED ZONE ACADEMY BONDS.—

(1) IN GENERAL.—Section 54E of the Internal Revenue Code of 1986, as in effect on the day before repeal by Public Law 115–97, is revived.

(2) EXTENSION OF LIMITATION.—Section 54E(c)(1) of such Code is amended—

(A) by striking ''and $400,000,000'' and inserting ''$400,000,000'', and

(B) by striking ''and, except as provided'' and all that follows through the period at the end and inserting '', and $1,400,000,000 for 2022 and each calendar year thereafter.''.

(3) REMOVAL OF PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—Section 54E of the Internal Revenue Code of 1986, as revived by paragraph (1) and amended by paragraph (2), is amended—

(A) in subsection (a)(3), by inserting ''and'' at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B),

(B) by striking subsection (b), and

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(4) CONSTRUCTION OF A PUBLIC SCHOOL FACILITY.—Section 54E(c)(3)(A) of the Internal Revenue Code of 1986, as revived by paragraph (1) and redesignated in paragraph (3)(C), is amended by striking ''rehabilitating or repairing'' and inserting ''constructing, rehabilitating, retrofitting, or repairing''.

(d) CONFORMING AMENDMENT RELATED TO APPLICATION OF CERTAIN LABOR STANDARDS.—

(1) IN GENERAL.—Subchapter IV of chapter 31 of the title 40, United States Code, shall apply to projects financed with the proceeds of any qualified zone academy bond (as defined in section 54E of the Internal Revenue Code of 1986) issued after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009.

(2) CONFORMING AMENDMENT.—Section 1601 of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2022.

**SEC. 72112. SCHOOL INFRASTRUCTURE BONDS.**

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after subpart I (as revived by section 72111) of part IV of subchapter A of chapter 1 the following new subpart:

**"Subpart J—School Infrastructure Bonds**

''Sec. 54BB. School infrastructure bonds.

**"SEC. 54BB. SCHOOL INFRASTRUCTURE BONDS.**

''(a) IN GENERAL.—If a taxpayer holds a school infrastructure bond on one or more interest payment dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—The amount of the credit determined under this subsection with respect to any interest payment date for a school infrastructure bond is 100 percent of the amount of interest payable by the issuer with respect to such date.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability of the taxpayer (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) SCHOOL INFRASTRUCTURE BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'school infrastructure bond' means any bond issued as part of an issue if—

''(A) 100 percent of the available project proceeds of such issue are to be used for the purposes described in section 72101 of the Reopen and Rebuild America's Schools Act of 2021,

''(B) the interest on such obligation would (but for this section) be excludable from gross income under section 103,

''(C) the issue meets the requirements of paragraph (3), and

''(D) the issuer designates such bond for purposes of this section.

''(2) APPLICABLE RULES.—For purposes of applying paragraph (1)—

''(A) for purposes of section 149(b), a school infrastructure bond shall not be treated as federally guaranteed by reason of the credit allowed under section 6431(a),

''(B) for purposes of section 148, the yield on a school infrastructure bond shall be determined without regard to the credit allowed under subsection (a), and

''(C) a bond shall not be treated as a school infrastructure bond if the issue price has more than a de minimis amount (determined under rules similar to the rules of section 1273(a)(3)) of premium over the stated principal amount of the bond.

''(3) 6-YEAR EXPENDITURE PERIOD.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects 100 percent of the available project proceeds to be spent for purposes described in section 72101 of the Reopen and Rebuild America's Schools Act of 2021 within the 6-year period beginning on such date of issuance.

''(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 6 YEARS.—To the extent that less than 100 percent of the available project proceeds of the issue are expended at the close of the period described in subparagraph (A) with respect to such issue, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(e) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1)(D) by any issuer shall not exceed the limitation amount allocated under subsection (g) for such calendar year to such issuer.

''(f) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The national qualified school infrastructure bond limitation for each calendar year is—

''(1) $10,000,000,000 for 2022,

''(2) $10,000,000,000 for 2023, and

''(3) $10,000,000,000 for 2024.

''(g) ALLOCATION OF LIMITATION.—

''(1) ALLOCATIONS.—

''(A) STATES.—After application of subparagraph (B) and paragraph (3)(A), the limitation applicable under subsection (f) for a calendar year shall be allocated by the Secretary among the States in proportion to the respective amounts received by all local educational agencies in each State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total such amount received by all local educational agencies for the most recent fiscal year ending before such calendar year.

''(B) CERTAIN POSSESSIONS.—One-half of 1 percent of the amount of the limitation applicable under subsection (f) for a calendar year shall be allocated by the Secretary to possessions of the United States other than Puerto Rico for such calendar year.

''(2) ALLOCATIONS TO SCHOOLS.—The limitation amount allocated to a State or possession under paragraph (1) shall be allocated by the State educational agency (or such other agency as is authorized under State law to make such allocation) to issuers within such State or possession in accordance with the priorities described in subsections (c) and (d) of section 72103 the of the Reopen and Rebuild America's Schools Act of 2021 and the eligibility requirements described in section 72103(b) of such Act, except that paragraph (1)(C) of such section shall not apply to the determination of eligibility for such allocation.

''(3) ALLOCATIONS FOR INDIAN SCHOOLS.—

''(A) IN GENERAL.—One-half of 1 percent of the amount of the limitation applicable under subsection (f) for any calendar year shall be allocated by the Secretary to the Secretary of the Interior for schools funded by the Bureau of Indian Affairs for such calendar year.

''(B) ALLOCATION TO SCHOOLS.—The limitation amount allocated to the Secretary of the Interior under paragraph (1) shall be allocated by such Secretary to issuers or schools funded as described in paragraph (2). In the case of amounts allocated under the preceding sentence, Indian tribal governments shall be treated as qualified issuers for purposes of this subchapter.

''(4) DIGITAL LEARNING.—Up to 10 percent of the limitation amount allocated under paragraph (1) or (3)(A) may be allocated by the State to issuers within such State (in the case of an amount allocated under paragraph (1)) or by the Secretary of the Interior to issuers or schools funded by the Bureau of Indian Affairs (in the case of an amount allocated under paragraph (3)(A)) to carry out activities to improve digital learning in accordance with section 72101(b) of the Reopen and Rebuild America's Schools Act of 2021.

''(h) INTEREST PAYMENT DATE.—For purposes of this section, the term 'interest payment date' means any date on which the holder of record of the school infrastructure bond is entitled to a payment of interest under such bond.

''(i) SPECIAL RULES.—

''(1) INTEREST ON SCHOOL INFRASTRUCTURE BONDS INCLUDIBLE IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.—For purposes of this title, interest on any school infrastructure bond shall be includible in gross income.

''(2) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subsections (f), (g), (h), and (i) of section 54A shall apply for purposes of the credit allowed under subsection (a).''.

(b) CREDIT ALLOWED TO ISSUER.—Section 6431(f)(3)(A) of such Code, as revived by section 201(b)(1), is amended by striking ''means any qualified tax credit bond'' and all that follows through the end of subparagraph (A) and inserting ''means any bond if—

''(A) such bond is—

''(i) qualified tax credit bond which is a qualified zone academy bond (as defined in section 54E) determined without regard to any allocation relating to the national zone academy bond limitation for years after 2010 or any carryforward of any such allocation, or

''(ii) any school infrastructure bond (as defined in section 54BB), and''.

(c) APPLICATION OF CERTAIN LABOR STANDARDS.—Subchapter IV of chapter 31 of the title 40, United States Code, shall apply to projects financed with the proceeds of any qualified zone academy bond (as defined in section 54E of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act.

(d) CONFORMING AMENDMENTS.—

(1) Section 6401(b)(1) of the Internal Revenue Code of 1986, as amended by section 72111(a), is amended by striking ''and I'' and inserting ''I, and J''.

(2) The table of subparts for part IV of subchapter A of chapter 1 of such Code, as amended by section 72111(a), is amended by adding at the end the following:

''SUBPART J—SCHOOL INFRASTRUCTURE BONDS''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2022.

**SEC. 72113. ANNUAL REPORT ON BOND PROGRAM.**

(a) IN GENERAL.—Not later than September 30 of each fiscal year beginning after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on the amendments made by sections 72111 and 72112.

(b) ELEMENTS.—The report under paragraph (1) shall include, with respect to the fiscal year preceding the year in which the report is submitted, the following:

(1) An identification of—

(A) each local educational agency (if any) that received an allocation under section 54E(b)(2) or 54BB(g) of the Internal Revenue Code of 1986, and

(B) each local educational agency (if any) that was eligible to receive such funds but did not receive such funds.

(2) With respect to each local educational agency described in paragraph (1)—

(A) an assessment of the capacity of the agency to raise funds for the long-term improvement of public school facilities, as determined by an assessment of—

(i) the current and historic ability of the agency to raise funds for construction, renovation, modernization, and major repair

projects for schools, including the ability of the agency to raise funds through imposition of property taxes,

(ii) whether the agency has been able to issue bonds to fund construction projects, including—

(I) qualified zone academy bonds under section 54E of the Internal Revenue Code of 1986, and

(II) school infrastructure bonds under section 54BB of the Internal Revenue Code of 1986, and

(iii) the bond rating of the agency,

(B) the demographic composition of the student population served by the agency, disaggregated by—

(i) race,

(ii) the number and percentage of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)), and

(iii) the number and percentage of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.),

(C) the population density of the geographic area served by the agency,

(D) a description of the projects carried out with funds received from school infrastructure bonds,

(E) a description of the demonstrable or expected benefits of the projects, and

(F) the estimated number of jobs created by the projects.

(3) The total dollar amount of all funds received by local educational agencies from school infrastructure bonds.

(4) Any other factors that the Secretary of the Treasury determines to be appropriate.

(c) INFORMATION COLLECTION.—A State or local educational agency that receives an allocation under section 54E(b)(2) or 54BB(g) of the Internal Revenue Code of 1986 shall—

(1) annually compile the information necessary for the Secretary of the Treasury to determine the elements described in subsection (b), and

(2) report the information to the Secretary of the Treasury at such time and in such manner as the Secretary of the Treasury may require.

(d) SECRETARY OF THE TREASURY.—For purposes of this section, the term ''Secretary of the Treasury'' includes the Secretary's delegate.

### Subtitle C—Uses of Funds

**SEC. 72211. ALLOWABLE USES OF FUNDS.**

(a) IN GENERAL.—Except as provided in section 72212, a local educational agency that receives covered funds may use such funds to—

(1) develop the facilities master plan required under section 72213(f);

(2) construct, modernize, renovate, or retrofit public school facilities, which may include seismic retrofitting for schools vulnerable to seismic natural disasters;

(3) carry out major repairs of public school facilities;

(4) install furniture or fixtures with at least a 10-year life in public school facilities;

(5) construct new public school facilities;

(6) acquire and prepare sites on which new public school facilities will be constructed;

(7) extend the life of basic systems and components of public school facilities;

(8) ensure current or anticipated enrollment does not exceed the physical and instructional capacity of public school facilities;

(9) ensure the building envelopes and interiors of public school facilities protect occupants from natural elements and human threats, and are structurally sound and secure;

(10) compose building design plans that strengthen the safety and security on school premises by utilizing design elements, principles, and technology that—

(A) guarantee layers of security throughout the school premises; and

(B) uphold the aesthetics of the school premises as a learning and teaching environment;

(11) improve energy and water efficiency to lower the costs of energy and water consumption in public school facilities;

(12) improve indoor air quality in public school facilities;

(13) reduce or eliminate the presence of—

(A) toxic substances, including mercury, radon, PCBs, lead, and asbestos;

(B) mold and mildew; or

(C) rodents and pests;

(14) ensure the safety of drinking water at the tap and water used for meal preparation in public school facilities, which may include testing of the potability of water at the tap for the presence of lead and other contaminants;

(15) bring public school facilities into compliance with applicable fire, health, and safety codes;

(16) make public school facilities accessible to people with disabilities through compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(17) provide instructional program space improvements for programs relating to early learning (including early learning programs operated by partners of the agency), special education, science, technology, career and technical education, physical education, music, the arts, and literacy (including library programs);

(18) increase the use of public school facilities for the purpose of community-based partnerships that provide students with academic, health, and social services;

(19) ensure the health of students and staff during the construction or modernization of public school facilities; or

(20) reduce or eliminate excessive classroom noise due to activities allowable under this section.

(b) ALLOWANCE FOR DIGITAL LEARNING.—A local educational agency may use covered funds to leverage existing public programs or public-private partnerships to expand access to high-speed broadband sufficient for digital learning.

**SEC. 72212. PROHIBITED USES.**

(a) IN GENERAL.—A local educational agency that receives covered funds may not use such funds for—

(1) payment of routine and predictable maintenance costs and minor repairs;

(2) any facility that is primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) vehicles; or

(4) central offices, operation centers, or other facilities that are not primarily used to educate students.

(b) ADDITIONAL PROHIBITIONS RELATING TO CHARTER SCHOOLS.—No covered funds may be used—

(1) for the facilities of a public charter school that is operated by a for-profit entity; or

(2) for the facilities of a public charter school if—

(A) the school leases the facilities from an individual or private sector entity; and

(B) such individual, or an individual with a direct or indirect financial interest in such entity, has a management or governance role in such school.

**SEC. 72213. REQUIREMENTS FOR HAZARD-RESISTANCE AND ENERGY AND WATER CONSERVATION.**

A local educational agency that receives covered funds shall ensure that any new construction, modernization, or renovation project carried out with such funds meets or exceeds the requirements of the following:

(1) Requirements for such projects set forth in the most recent published edition of a nationally recognized, consensus-based model building code.

(2) Requirements for such projects set forth in the most recent published edition of a nationally recognized, consensus-based model energy conservation code.

(3) Performance criteria under the WaterSense program, established under section 324B of the of the Energy Policy and Conservation Act (42 U.S.C. 6294b), applicable to such projects within a nationally recognized, consensus-based model code.

(4) Indoor environmental air quality requirements applicable to such projects as set forth in the most recent published edition of a nationally recognized, consensus-based standard.

**SEC. 72214. GREEN PRACTICES.**

(a) IN GENERAL.—In a given fiscal year, a local educational agency that uses covered funds for a new construction project or renovation project shall use not less than the applicable percentage (as described in subsection (b)) of the funds used for such project for construction or renovation that is certified, verified, or consistent with the applicable provisions of—

(1) the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard (commonly known as the ''LEED Green Building Rating System'');

(2) the Living Building Challenge developed by the International Living Future Institute;

(3) a green building rating program developed by the Collaborative for High-Performance Schools (commonly known as ''CHPS'') that is CHPS-verified; or

(4) a program that—

(A) has standards that are equivalent to or more stringent than the standards of a program described in paragraphs (1) through (3);

(B) is adopted by the State or another jurisdiction with authority over the agency; and

(C) includes a verifiable method to demonstrate compliance with such program.

(b) APPLICABLE PERCENTAGE.—The applicable percentage described in this subsection is—

(1) for fiscal year 2022, 60 percent;

(2) for fiscal year 2023, 70 percent;

(3) for fiscal year 2024; 80 percent;

(4) for fiscal year 2025, 90 percent; and

(5) for each of fiscal years 2026 through 2031, 100 percent.

**SEC. 72215. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED PRODUCTS.**

(a) IN GENERAL.—A local educational agency that receives covered funds shall ensure that any iron, steel, and manufactured products used in projects carried out with such funds are produced in the United States.

(b) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary may waive the requirement of subsection (a) if the Secretary determines that—

(A) applying subsection (a) would be inconsistent with the public interest;

(B) iron, steel, and manufactured products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) using iron, steel, and manufactured products produced in the United States will increase the cost of the overall project by more than 25 percent.

(2) PUBLICATION.—Before issuing a waiver under paragraph (1), the Secretary shall publish in the Federal Register a detailed written explanation of the waiver determination.

(c) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with the obligations of the United States under international agreements.

(d) DEFINITIONS.—In this section:

(1) PRODUCED IN THE UNITED STATES.—The term ''produced in the United States'' means the following:

(A) When used with respect to a manufactured product, the product was manufactured in the United States and the cost of the components of such product that were mined, produced, or manufactured in the United States exceeds 60 percent of the total cost of all components of the product.

(B) When used with respect to iron or steel products, or an individual component of a manufactured product, all manufacturing processes for such iron or steel products or components, from the initial melting stage through the application of coatings, occurred in the United States, except that the term does not include—

(i) steel or iron material or products manufactured abroad from semi-finished steel or iron from the United States; and

(ii) steel or iron material or products manufactured in the United States from semi-finished steel or iron of foreign origin.

(2) MANUFACTURED PRODUCT.—The term ''manufactured product'' means any construction material or end product (as such terms are defined in part 25.003 of the Federal Acquisition Regulation) that is not an iron or steel product, including—

(A) electrical components; and

(B) non-ferrous building materials, including, aluminum and polyvinylchloride (PVC), glass, fiber optics, plastic, wood, masonry, rubber, manufactured stone, any other non-ferrous metals, and any unmanufactured construction material.

### Subtitle D—Reports and Other Matters

#### SEC. 72311. COMPTROLLER GENERAL REPORT.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the projects carried out with covered funds.

(b) ELEMENTS.—The report under subsection (a) shall include an assessment of—

(1) State activities, including—

(A) the types of public school facilities data collected by each State, if any;

(B) technical assistance with respect to public school facilities provided by each State, if any;

(C) future plans of each State with respect to public school facilities;

(D) criteria used by each State to determine high-need students and facilities for purposes of the projects carried out with covered funds; and

(E) whether the State issued new regulations to ensure the health and safety of students and staff during construction or renovation projects or to ensure safe, healthy, and high-performing school buildings;

(2) the types of projects carried out with covered funds, including—

(A) the square footage of the improvements made with covered funds;

(B) the total cost of each such project; and

(C) the cost described in subparagraph (B), disaggregated by, with respect to such project, the cost of planning, design, construction, site purchase, and improvements;

(3) the geographic distribution of the projects;

(4) the demographic composition of the student population served by the projects, disaggregated by—

(A) race;

(B) the number and percentage of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(C) the number and percentage of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(5) an assessment of the impact of the projects on the health and safety of school staff and students; and

(6) how the Secretary or States could make covered funds more accessible—

(A) to schools with the highest numbers and percentages of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(B) to schools with fiscal challenges in raising capital for school infrastructure projects.

(c) UPDATES.—The Comptroller General shall update and resubmit the report to the appropriate congressional committees—

(1) on a date that is between 5 and 6 years after the date of the enactment of this Act; and

(2) on a date that is between 10 and 11 years after such date of enactment.

#### SEC. 72312. STUDY AND REPORT ON PHYSICAL CONDITION OF PUBLIC SCHOOLS.

(a) STUDY AND REPORT.—Not less frequently than once in each 5-year period beginning after the date of the enactment of this Act, the Secretary, acting through the Director of the Institute of Education Sciences, shall—

(1) carry out a comprehensive study of the physical conditions of all public schools in each State and outlying area; and

(2) submit a report to the appropriate congressional committees that includes the results of the study.

(b) ELEMENTS.—Each study and report under subsection (a) shall include—

(1) an assessment of—

(A) the effect of school facility conditions on student and staff health and safety;

(B) the effect of school facility conditions on student academic outcomes;

(C) the condition of school facilities, set forth separately by geographic region;

(D) the condition of school facilities for economically disadvantaged students as well as students from major racial and ethnic subgroups;

(E) the accessibility of school facilities for students and staff with disabilities;

(F) the prevalence of school facilities at which student enrollment exceeds the physical and instructional capacity of the facility and the effect of such excess enrollment on instructional quality and delivery of school wraparound services;

(G) the condition of school facilities affected by natural disasters;

(H) the effect that projects carried out with covered funds have on the communities in which such projects are conducted, including the vitality, jobs, population, and economy of such communities; and

(I) the ability of building envelopes and interiors of public school facilities to protect occupants from natural elements and human threats;

(2) an explanation of any differences observed with respect to the factors described in subparagraphs (A) through (I) of paragraph (1); and

(3) a cost estimate for bringing school facilities to a state of good repair, as determined by the Secretary.

#### SEC. 72313. DEVELOPMENT OF DATA STANDARDS.

(a) DATA STANDARDS.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in consultation with the officials described in subsection (b), shall—

(1) identify the data that States should collect and include in the databases developed under section 72312(a)(2)(A)(ii);

(2) develop standards for the measurement of such data; and

(3) issue guidance to States concerning the collection and measurement of such data.

(b) OFFICIALS.—The officials described in this subsection are—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Energy;

(3) the Director of the Centers for Disease Control and Prevention; and

(4) the Director of the National Institute for Occupational Safety and Health.

#### SEC. 72314. INFORMATION CLEARINGHOUSE.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall establish a clearinghouse to disseminate information on Federal programs and financing mechanisms that may be used to assist schools in initiating, developing, and financing—

(1) energy efficiency projects;

(2) distributed generation projects; and

(3) energy retrofitting projects.

(b) ELEMENTS.—In carrying out subsection (a), the Secretary shall—

(1) consult with the officials described in section 72313(b) to develop a list of Federal programs and financing mechanisms to be included in the clearinghouse; and

(2) coordinate with such officials to develop a collaborative education and outreach effort to streamline communications and promote the Federal programs and financing mechanisms included in the clearinghouse, which may include the development and maintenance of a single online resource that includes contact information for relevant technical assistance that may be used by States, outlying areas, local educational agencies, and Bureau-funded schools effectively access and use such Federal programs and financing mechanisms.

### Subtitle E—Impact Aid Construction

#### SEC. 72411. TEMPORARY INCREASE IN FUNDING FOR IMPACT AID CONSTRUCTION.

Section 7014(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(d)) is amended to read as follows:

''(d) CONSTRUCTION.—For the purpose of carrying out section 7007, there are authorized to be appropriated, and there are appropriated, $100,000,000 for each of fiscal years 2022 through 2026.''.

### Subtitle F—Assistance for Repair of School Foundations Affected by Pyrrhotite

#### SEC. 72511. ALLOCATIONS TO STATES.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary shall carry out a program under which the Secretary makes allocations to States to pay the Federal share of the costs of making grants to local educational agencies under section 72512.

(b) WEBSITE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish, on a publicly accessible website of the Department of Education, instructions describing how a State may receive an allocation under this section.

#### SEC. 72512. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—From the amounts allocated to a State under section 72511(a) and contributed by the State under subsection (e)(2), the State shall award grants to local educational agencies—

(1) to pay the future costs of repairing concrete school foundations damaged by the presence of pyrrhotite; or

(2) to reimburse such agencies for costs incurred by the agencies in making such repairs in the five-year period preceding the date of enactment of this Act.

(b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—

(1) ELIGIBILITY FOR GRANTS FOR FUTURE REPAIRS.—To be eligible to receive a grant under subsection (a)(1), a local educational agency shall—

(A) with respect to each school for which the agency seeks to use grant funds, demonstrate to the State that—

(i) the school is a pyrrhotite-affected school; and

(ii) any laboratory tests, core tests, and visual inspections of the school's foundation used to determine that the school is a pyrrhotite-affected school were conducted—

(I) by a professional engineer licensed in the State in which the school is located; and

(II) in accordance with applicable State standards or standards approved by any independent, nonprofit, or private entity authorized by the State to oversee construction, testing, or financial relief efforts for damaged building foundations; and

(B) provide an assurance that—

(i) the local educational agency will use the grant only for the allowable uses described in subsection (f)(1); and

(ii) all work funded with the grant will be conducted by a qualified contractor or architect licensed in the State.

(2) ELIGIBILITY FOR REIMBURSEMENT GRANTS.—To be eligible to receive a grant under subsection (a)(2), a local educational agency shall demonstrate that it met the requirements of paragraph (1) at the time it carried out the project for which the agency seeks reimbursement.

(c) APPLICATION.—

(1) IN GENERAL.—A local educational agency that seeks a grant under this section shall submit to the State an application at such time, in such manner, and containing such information as the State may require, which upon approval by the State under subsection (d)(1)(A), the State shall submit to the Secretary for approval under subsection (d)(1)(B).

(2) CONTENTS.—At minimum, each application shall include—

(A) information and documentation sufficient to enable the State to determine if the local educational agency meets the eligibility criteria under subsection (b);

(B) in the case of an agency seeking a grant under subsection (a)(1), an estimate of the costs of carrying out the activities described in subsection (f);

(C) in the case of an agency seeking a grant under subsection (a)(2)—

(i) an itemized explanation of—

(I) the costs incurred by the agency in carrying out any activities described subsection (f); and

(II) any amounts contributed from other Federal, State, local, or private sources for such activities; and

(ii) the amount for which the local educational agency seeks reimbursement; and

(D) the percentage of any costs described in subparagraph (B) or (C) that are covered by an insurance policy.

(d) APPROVAL AND DISBURSEMENT.—

(1) APPROVAL.—

(A) STATE.—The State shall approve the application of each local educational agency for submission to the Secretary that—

(i) submits a complete and correct application under subsection (c); and

(ii) meets the criteria for eligibility under subsection (b).

(B) SECRETARY.—Not later than 60 days after receiving an application of a local educational agency submitted by a State under subsection (c)(1), the Secretary shall—

(i) approve such application, in a case in which the Secretary determines that such application meets the requirements of subparagraph (A); or

(ii) deny such application, in the case of an application that does not meet such requirements.

(2) DISBURSEMENT.—

(A) ALLOCATION.—The Secretary shall disburse an allocation to a State not later than 60 days after the date on which the Secretary approves an application under paragraph (1)(B).

(B) GRANT.—The State shall disburse grant funds to a local educational agency not later than 60 days after the date on which the State receives an allocation under subparagraph (A).

(e) FEDERAL AND STATE SHARE.—

(1) FEDERAL SHARE.—The Federal share of each grant under this section shall be an amount that is not more than 50 percent of the total cost of the project for which the grant is awarded.

(2) STATE SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the State share of each grant under this section shall be an amount that is not less than 40 percent of the total cost of the project for which the grant is awarded, which the State shall contribute from non-Federal sources.

(B) SPECIAL RULE FOR REIMBURSEMENT GRANTS.—In the case of a reimbursement grant made to a local educational agency under subsection (a)(2), a State shall be treated as meeting the requirement of subparagraph (A) if the State demonstrates that it contributed, from non-Federal sources, not less than 40 percent of the total cost of the project for which the reimbursement grant is awarded.

(f) USES OF FUNDS.—

(1) ALLOWABLE USES OF FUNDS.—A local educational agency that receives a grant under this section shall use such grant only for costs associated with—

(A) the repair or replacement of the concrete foundation or other affected areas of a pyrrhotite-affected school in the jurisdiction of such agency to the extent necessary—

(i) to restore the structural integrity of the school to the safety and health standards established by the professional licensed engineer or architect associated with the project; and

(ii) to restore the school to the condition it was in before the school's foundation was damaged due to the presence of pyrrhotite; and

(B) engineering reports, architectural design, core tests, and other activities directly related to the repair or replacement project.

(2) PROHIBITED USES OF FUNDS.—A local educational agency that receives a grant under this section may not use the grant for any costs associated with—

(A) work done to outbuildings, sheds, or barns, swimming pools (whether in-ground or above-ground), playgrounds or ballfields, or any ponds or water features;

(B) the purchase of items not directly associated with the repair or replacement of the school building or its systems, including items such as desks, chairs, electronics, sports equipment, or other school supplies; or

(C) any other activities not described in paragraph (1).

(g) LIMITATION.—A local educational agency may not, for the same project, receive a grant under both—

(1) this section; and

(2) subtitle A.

**SEC. 72513. DEFINITIONS.**

In this subtitle:

(1) PYRRHOTITE-AFFECTED SCHOOL.—The term ''pyrrhotite-affected school'' means an elementary school or a secondary school that meets the following criteria:

(A) The school has a concrete foundation.

(B) Pyrrhotite is present in the school's concrete foundation, as demonstrated by a petrographic or other type of laboratory core analysis or core inspection.

(C) A visual inspection of the school's concrete foundation indicates that the presence of pyrrhotite is causing the foundation to deteriorate at an unsafe rate.

(D) A qualified engineer determined that the deterioration of the school's foundation, due to the presence of pyrrhotite—

(i) caused the school to become structurally unsound; or

(ii) will result in the school becoming structurally unsound within the next five years.

(2) QUALIFIED CONTRACTOR.—The term ''qualified contractor'' means a contractor who is qualified under State law, or approved by any State agency or other State-sanctioned independent or nonprofit entity, to repair or replace residential or commercial building foundations that are deteriorating due to the presence of pyrrhotite.

**SEC. 72514. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for fiscal year 2022 and each fiscal year thereafter.

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**SA 2171.** Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

**SEC. _____. LIMOUSINE COMPLIANCE WITH FEDERAL SAFETY STANDARDS.**

(a) LIMOUSINE STANDARDS.—

(1) SAFETY BELT AND SEATING SYSTEM STANDARDS FOR LIMOUSINES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe a final rule that—

(A) amends Federal Motor Vehicle Safety Standard Numbers 208, 209, and 210 to require to be installed in limousines on each designated seating position, including on side-facing seats—

(i) an occupant restraint system consisting of integrated lap-shoulder belts; or

(ii) an occupant restraint system consisting of a lap belt, if an occupant restraint system described in clause (i) does not meet the need for motor vehicle safety; and

(B) amends Federal Motor Vehicle Safety Standard Number 207 to require limousines to meet standards for seats (including side-facing seats), seat attachment assemblies, and seat installation to minimize the possibility of failure by forces acting on the seats, attachment assemblies, and installations as a result of motor vehicle impact.

(2) REPORT ON RETROFIT ASSESSMENT FOR LIMOUSINES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that assesses the feasibility, benefits, and costs with respect to the application of any requirement established under paragraph (1) to a limousine introduced into

interstate commerce before the date on which the requirement takes effect.

(b) SAFETY REGULATION OF LIMOUSINES.—

(1) IN GENERAL.—Section 30102(a)(6) of title 49, United States Code, is amended—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(C) modifying a passenger motor vehicle (as defined in section 32101) that has already been purchased by the first purchaser (as defined in subsection (b)(1)) by increasing the wheelbase of the passenger motor vehicle so that the passenger motor vehicle has increased seating capacity.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply beginning on the date that is 1 year after the date of enactment of this Act.

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**SA 2172.** Mr. PADILLA (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, insert the following:

**SEC. 115___. TRANSPORTATION ASSISTANCE FOR OLYMPIC, PARALYMPIC, AND SPECIAL OLYMPICS CITIES.**

(a) PURPOSE.—The purpose of this section is to prioritize and support State and local efforts on surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the international Olympic, Paralympic, and Special Olympics movement by hosting international Olympic, Paralympic, and Special Olympics events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC, PARALYMPIC, AND SPECIAL OLYMPICS EVENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in providing grants for transportation projects described in paragraph (2), the Secretary may give priority to a transportation project relating to an international Olympic, Paralympic, or Special Olympics event.

(2) GRANTS DESCRIBED.—A grant referred to in paragraph (1) is a discretionary grant—

(A) under title 23 or 49, United States Code, beginning on the date of enactment of this Act; or

(B) otherwise administered by the Secretary for transportation projects.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary shall take all reasonable efforts to provide assistance to an international Olympic, Paralympic, or Special Olympics event, including—

(1) by providing assistance for planning activities of States and metropolitan planning organizations under sections 134 and 135 of title 23, United States Code, for transportation projects relating to an international Olympic, Paralympic, or Special Olympics event;

(2) by developing intermodal transportation plans in coordination with States and local transportation agencies;

(3) by expediting review and comment of any required submissions to the Secretary relating to an international Olympic, Paralympic, or Special Olympics event; and

(4) by providing technical assistance.

(d) TRANSPORTATION PROJECTS RELATING TO OLYMPIC, PARALYMPIC, AND SPECIAL OLYMPICS EVENTS.—

(1) IN GENERAL.—The Secretary may provide assistance, including planning, capital, and operating assistance, to a State or unit of local government in carrying out transportation projects relating to an international Olympic, Paralympic, or Special Olympics event.

(2) USE OF FUNDS.—Notwithstanding any other provision of law, any funding provided in accordance with this section may be used for any temporary facility, equipment, operations, and maintenance that meets the extraordinary needs associated with hosting an international Olympic, Paralympic, or Special Olympics event.

(e) FUNDING.—

(1) IN GENERAL.—The Secretary shall carry out this section using amounts otherwise available to the Secretary to carry out titles 23 and 49, United States Code.

(2) SUPPLEMENT, NOT SUPPLANT.—Any amounts provided to a State or unit of local government in accordance with this section shall be in addition to any Federal funds otherwise available to the State or unit of local government for the transportation project.

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**SA 2173.** Mr. PADILLA (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 493, strike lines 8 through 22 and insert the following:

(b) ELIGIBILITY.—Section 602(a) of title 23, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) LETTER OF INTEREST.—

''(A) IN GENERAL.—A project shall be eligible to receive credit assistance under the TIFIA program if—

''(i) the entity proposing to carry out the project submits a letter of interest prior to submission of a formal application for the project; and

''(ii) the project meets the criteria described in this subsection.

''(B) CERTAIN PROJECTS.—In the case of a project that outlines a proposed financial plan to repay the loan primarily with State or local tax revenue, the review of the letter of interest shall be limited to a legal compliance check to ensure the project meets the criteria described in this subsection, except to the extent that the Secretary determines that the complexity of the project requires further review.''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(iv)—

(i) by striking ''a rating'' and inserting ''an investment-grade rating''; and

(ii) by striking ''$75,000,000'' and inserting ''$150,000,000''; and

(B) in subparagraph (B)—

(i) by striking ''the senior debt'' and inserting ''senior debt''; and

(ii) by striking ''credit instrument is for an amount less than $75,000,000'' and inserting ''total amount of other senior debt and the Federal credit instrument is less than $150,000,000''.

**SA 2174.** Mrs. FEINSTEIN (for herself, Mr. BURR, and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2427, between lines 10 and 11, insert the following:

**SEC. 80505. EXCLUSION OF AMOUNTS RECEIVED FROM STATE-BASED CATASTROPHE LOSS MITIGATION PROGRAMS.**

(a) IN GENERAL.—Section 139 of the Internal Revenue Code of 1986 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) STATE-BASED CATASTROPHE LOSS MITIGATION PROGRAMS.—

''(1) IN GENERAL.—Gross income shall not include any amount received by an individual as a qualified catastrophe mitigation payment under a program established by—

''(A) a State,

''(B) a political subdivision or instrumentality thereof,

''(C) a joint powers authority, or

''(D) an entity created by State law which is exempt from taxation under section 501(a) and is overseen by a State agency or State department of insurance,

for the purpose of making such payments.

''(2) QUALIFIED CATASTROPHE MITIGATION PAYMENT.—For purposes of this section, the term 'qualified catastrophe mitigation payment' means any amount which is received by the owner of any property to make improvements to such property for the sole purpose of reducing the damage that would be done to such property by a windstorm, earthquake, or wildfire.

''(3) NO INCREASE IN BASIS.—Rules similar to the rules of subsection (g)(3) shall apply in the case of this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 139(d) is amended by striking ''and qualified'' and inserting '', qualified catastrophe mitigation payments, and qualified''.

(2) Section 139(i) (as redesignated by subsection (a)) is amended by striking ''or qualified'' and inserting '', qualified catastrophe mitigation payment, or qualified''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

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**SA 2175.** Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division H, insert the following:

**SEC. _____. MODIFICATIONS TO INCOME EXCLUSION FOR CONSERVATION SUBSIDIES.**

(a) IN GENERAL.—Subsection (a) of section 136 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''any subsidy provided'' and inserting ''any subsidy—

''(1) provided'',

(2) by striking the period at the end and inserting a comma, and

(3) by adding at the end the following new paragraphs:

''(2) provided (directly or indirectly) by a public utility to a customer, or by a State or local government to a resident of such State or locality, for the purchase or installation of any water conservation or efficiency measure, or

''(3) provided (directly or indirectly) by a storm water management provider to a customer, or by a State or local government to a resident of such State or locality, for the purchase or installation of any storm water management measure.''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF WATER CONSERVATION OR EFFICIENCY MEASURE AND STORM WATER MANAGEMENT MEASURE.—Section 136(c) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''ENERGY CONSERVATION MEASURE'' in the heading thereof and inserting ''DEFINITIONS'',

(B) by striking ''IN GENERAL'' in the heading of paragraph (1) and inserting ''ENERGY CONSERVATION MEASURE'', and

(C) by redesignating paragraph (2) as paragraph (4) and by inserting after paragraph (1) the following:

''(2) WATER CONSERVATION OR EFFICIENCY MEASURE.—For purposes of this section, the term 'water conservation or efficiency measure' means any evaluation of water use, or any installation or modification of property, the primary purpose of which is to reduce consumption of water or to improve the management of water demand with respect to one or more dwelling units.

''(3) STORM WATER MANAGEMENT MEASURE.—For purposes of this section, the term 'storm water management measure' means any installation or modification of property primarily designed to reduce or manage amounts of storm water with respect to one or more dwelling units.''.

(2) DEFINITION OF PUBLIC UTILITY.—Section 136(c)(4) of such Code (as redesignated by paragraph (1)(C)) is amended by striking subparagraph (B) and inserting the following:

''(B) PUBLIC UTILITY.—The term 'public utility' means a person engaged in the sale of electricity, natural gas, or water to residential, commercial, or industrial customers for use by such customers.

''(C) STORM WATER MANAGEMENT PROVIDER.—The term 'storm water management provider' means a person engaged in the provision of storm water management measures to the public.

''(D) PERSON.—For purposes of subparagraphs (B) and (C), the term 'person' includes the Federal Government, a State or local government or any political subdivision thereof, or any instrumentality of any of the foregoing.''.

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 136 of such Code is amended—

(i) by inserting ''**AND WATER**'' after ''**ENERGY**'', and

(ii) by striking ''**PROVIDED BY PUBLIC UTILITIES**''.

(B) The item relating to section 136 in the table of sections of part III of subchapter B of chapter 1 of such Code is amended—

(i) by inserting ''and water'' after ''energy'', and

(ii) by striking ''provided by public utilities''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2021.

(d) NO INFERENCE.—Nothing in this Act or the amendments made by this Act shall be construed to create any inference with respect to the proper tax treatment of any subsidy received directly or indirectly from a public utility, a storm water management provider, or a State or local government for any water conservation measure or storm water management measure before January 1, 2022.

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**SA 2176.** Mr. CARDIN (for himself, Mr. PADILLA, and Mr. WARNOCK) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, lines 10 and 11, strike ''PILOT''.

On page 35, line 14, strike ''pilot''.

On page 35, line 19, strike ''pilot''.

Strike section 11509 and insert the following:

**SEC. 11509. RECONNECTING COMMUNITIES PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) ANTI-DISPLACEMENT POLICY.—The term ''anti-displacement policy'' means a policy that limits the displacement of low-income, disadvantaged, and underserved communities from neighborhoods due to new investments in housing, businesses, and infrastructure.

(2) AREA OF PERSISTENT POVERTY.—The term ''area of persistent poverty'' means—

(A) any county that has had 20 percent or more of the population of the county living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates as estimated by the Bureau of the Census;

(B) any census tract with a poverty rate of at least 20 percent, as measured by the most recent 5-year data series available from the American Community Survey of the Bureau of the Census for all States and Puerto Rico; or

(C) any other territory of the United States that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000, and 2010 decennial censuses, or equivalent data, of the Bureau of the Census.

(3) COMMUNITY LAND TRUST.—The term ''community land trust'' means a nonprofit organization established or with the responsibility, as applicable—

(A) to develop the real estate created by the removal or capping of an eligible facility; and

(B) to carry out anti-displacement or community development strategies, including—

(i) affordable housing preservation and development;

(ii) homeownership and property improvement programs;

(iii) the development or rehabilitation of park space or recreation facilities; and

(iv) community revitalization and economic development projects.

(4) ELIGIBLE FACILITY.—

(A) IN GENERAL.—The term ''eligible facility'' means a highway or other transportation facility that creates a barrier to community connectivity, including barriers to mobility, access, or economic development, due to high speeds, grade separations, or other design factors.

(B) INCLUSIONS.—The term ''eligible facility'' may include—

(i) a limited access highway;

(ii) a railway;

(iii) a viaduct;

(iv) a principal arterial facility; or

(v) any other transportation facility for which the high speeds, grade separation, or other design factors create an obstacle to connectivity.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a reconnecting communities program under which an eligible entity may apply for funding, in order to identify, remove, replace, retrofit, mitigate, or remediate the effects from eligible facilities and restore or improve community connectivity, mobility, and access in disadvantaged and underserved communities—

(A) to study the feasibility and impacts of removing, retrofitting, mitigating, or remediating the effects on community connectivity from an existing eligible facility;

(B) to conduct planning activities, including preliminary engineering and final design activities, for a project to remove, retrofit, mitigate, or remediate the effects on community connectivity from an existing eligible facility; and

(C) to conduct construction activities necessary to carry out a project to remove, retrofit, mitigate, or remediate the effects on community connectivity from an existing eligible facility.

(2) FOCUS.—The Secretary shall ensure that any activities carried out under this section—

(A) focus on improvements that will benefit the populations impacted by or previously displaced by the eligible facility; and

(B) emphasize equity by garnering community engagement, avoiding future displacement, and ensuring local participation in the planning process.

(c) PLANNING GRANTS.—

(1) ELIGIBLE ENTITIES.—

(A) IN GENERAL.—The Secretary may award a grant (referred to in this section as a ''planning grant'') to carry out planning activities described in paragraph (2) to—

(i) a State;

(ii) a unit of local government;

(iii) a Tribal government;

(iv) a territory;

(v) a metropolitan planning organization;

(vi) a transit agency;

(vii) a special purpose district with a transportation function; and

(viii) a group of entities described in this subparagraph.

(B) PARTNERSHIPS.—An eligible entity may enter into an agreement with the following entities to carry out the eligible activities under this subsection:

(i) A nonprofit organization.

(ii) An institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), including minority serving institutions and historically Black colleges and universities (which shall have the meaning given the term ''Predominantly Black institution'' as defined in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c))).

(2) ELIGIBLE ACTIVITIES DESCRIBED.—The planning activities referred to in paragraph (1) are—

(A) planning studies to evaluate the feasibility of removing, retrofitting, mitigating, or remediating an existing eligible facility

to restore community connectivity, including evaluations of—

(i) current traffic patterns on the eligible facility proposed for removal, retrofit, mitigation, or remediation and the surrounding street network;

(ii) the capacity of existing transportation networks to maintain mobility needs;

(iii) an analysis of alternative roadway designs or other uses for the right-of-way of the eligible facility, including an analysis of whether the available right-of-way would suffice to create an alternative roadway design;

(iv) the effect of the removal, retrofit, mitigation, or remediation of the eligible facility on the mobility of freight and people;

(v) the effect of the removal, retrofit, mitigation, or remediation of the eligible facility on the safety of the traveling public;

(vi) the cost to remove, retrofit, mitigate, or remediate the eligible facility—

(I) to restore community connectivity; and

(II) to convert the eligible facility to a roadway design or use that increases safety, mobility, and access for all users, compared to any expected costs for necessary maintenance or reconstruction of the eligible facility;

(vii) the anticipated economic impact of removing, retrofitting, mitigating, or remediating and converting the eligible facility and any economic development opportunities that would be created by removing, retrofitting, mitigating, or remediating and converting the eligible facility;

(viii) the environmental impacts of retaining or reconstructing the eligible facility and the anticipated effect of the proposed alternative use or roadway design; and

(ix) the community impacts and equity analyses of retaining or reconstructing the eligible facility on the surrounding communities, including—

(I) the demographic breakdown of the impacted community by race and socioeconomic status; and

(II) the displacement or disconnection that occurred within the community as a result of the existing facility;

(B) public engagement activities to provide opportunities for public input into a plan to remove, replace, retrofit, mitigate, or remediate the effects from an eligible facility, including—

(i) building organizational or community capacity to, and educating community members on how to, engage in and contribute to eligible planning activities described in this paragraph;

(ii) identifying community needs and desires for community improvements and developing community-driven solutions in carrying out eligible planning activities described in this paragraph;

(iii) conducting assessments of equity, mobility and access, environmental justice, affordability, economic opportunity, health outcomes, and other local goals to be used in carrying out eligible planning activities described in this paragraph; and

(iv) forming a community advisory board in accordance with subsection (d)(7);

(C) other transportation planning activities required in advance of a project to remove, retrofit, mitigate, or remediate an existing eligible facility to restore community connectivity, as determined by the Secretary;

(D) evaluating land use and zoning changes necessary to improve equity and maximize transit-oriented development in connection with a project eligible for a capital construction grant; and

(E) establishment of anti-displacement and equitable neighborhood revitalization strategies in connection with a project eligible for a capital construction grant, including establishment of a community land trust for land acquisition, land banking, and equitable transit-oriented development.

(3) TECHNICAL ASSISTANCE PROGRAM.—

(A) IN GENERAL.—The Secretary may provide technical assistance described in subparagraph (B) to an eligible entity described in paragraph (1).

(B) TECHNICAL ASSISTANCE DESCRIBED.—The technical assistance referred to in subparagraph (A) is technical assistance in building organizational or community capacity—

(i) to engage in transportation planning; and

(ii) to identify innovative solutions to challenges posed by existing eligible facilities, including reconnecting communities that—

(I) are bifurcated by eligible facilities; or

(II) lack safe, reliable, and affordable transportation choices.

(C) PRIORITIES.—In selecting recipients of technical assistance under subparagraph (A), the Secretary shall give priority to an application from—

(i) a community that is economically disadvantaged; or

(ii) a community that is at high risk for economic displacement.

(4) SELECTION.—The Secretary shall—

(A) solicit applications for—

(i) planning grants; and

(ii) technical assistance under paragraph (3); and

(B) evaluate applications for a planning grant on the basis of the demonstration by the applicant that—

(i) the eligible facility is aged and is likely to need replacement or significant reconstruction within the 20-year period beginning on the date of the submission of the application;

(ii) the eligible facility—

(I) creates barriers to mobility, access, or economic development; or

(II) is not justified by current and forecast future travel demand; and

(iii) on the basis of preliminary assessments into the feasibility of removing, retrofitting, mitigating, or remediating the eligible facility to restore community connectivity and increase safety, mobility, and access for all users, further planning activities are necessary and likely to be productive.

(5) AWARD AMOUNTS.—A planning grant may not exceed $2,000,000 per recipient.

(6) FEDERAL SHARE.—The total Federal share of the cost of a planning activity for which a planning grant is used shall not exceed 80 percent.

(d) CAPITAL CONSTRUCTION GRANTS.—

(1) ELIGIBLE ENTITIES.—The Secretary may award a grant (referred to in this section as a ''capital construction grant'') to the owner of an eligible facility to carry out an eligible project described in paragraph (3) for which all necessary feasibility studies and other planning activities have been completed.

(2) PARTNERSHIPS.—An owner of an eligible facility may, for the purposes of submitting an application for a capital construction grant, if applicable, partner with—

(A) a State;

(B) a unit of local government;

(C) a Tribal government;

(D) a metropolitan planning organization;

(E) a transit agency;

(F) a special purpose district with a transportation function;

(G) a territory;

(H) a nonprofit organization; or

(I) a group of entities described in this paragraph.

(3) ELIGIBLE PROJECTS.—A project eligible to be carried out with a capital construction grant includes—

(A) the removal, retrofit, mitigation, or remediation of the effects on community connectivity from an eligible facility, including a project to deck over a limited-access highway or other eligible facility;

(B) the replacement of an eligible facility with a new facility that—

(i) restores community connectivity;

(ii) employs context-sensitive solutions appropriate for the surrounding community; and

(iii) is otherwise eligible for funding under title 23, United States Code;

(C) support for community partnerships, including a community advisory board described under paragraph (7), in connection with a capital construction grant awarded under this subsection; and

(D) other activities required to remove, replace, retrofit, mitigate, or remediate an existing eligible facility, as determined by the Secretary.

(4) SELECTION.—The Secretary shall—

(A) solicit applications for capital construction grants; and

(B) evaluate applications on the basis of—

(i) the degree to which the project will improve mobility and access through the removal of barriers;

(ii) the appropriateness of removing, retrofitting, mitigating, or remediating the effects on community connectivity from the eligible facility, based on current traffic patterns and the ability of the project and the regional transportation network to absorb transportation demand and provide safe mobility and access;

(iii) the impact of the project on freight movement;

(iv) the results of a cost-benefit analysis of the project;

(v) the extent to which the applicant has plans for inclusive economic development in place, including the existing land use and whether the zoning provides for equitable and transit-oriented development of underutilized land;

(vi) the degree to which the eligible facility is out of context with the current or planned land use;

(vii) the results of any feasibility study completed for the project;

(viii) the plan of the applicant for—

(I) employing residents in the area impacted by the project through targeted hiring programs, in partnership with registered apprenticeship programs, if applicable; and

(II) encouraging community-based entrepreneurship and small business expansion;

(ix) whether the eligible facility is likely to need replacement or significant reconstruction within the 20-year period beginning on the date of the submission of the application;

(x) whether the project is consistent with the relevant long-range transportation plan and included in the relevant statewide transportation improvement program;

(xi) whether the project is consistent with, and how the project would impact, the relevant transportation performance management targets; and

(xii) the extent to which the project benefits populations impacted by or previously displaced by the eligible facility;

(C) ensure that the project has conducted sufficient community engagement, such as the activities described in subsection (c)(2)(B); and

(D) ensure that the jurisdiction in which the eligible facility is located has an anti-displacement policy or a community land trust in place.

(5) MINIMUM AWARD AMOUNTS.—A capital construction grant shall be in an amount not less than $5,000,000 per recipient.

(6) FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), a capital construction grant may not exceed 50 percent of the total cost of the project for which the grant is awarded.

(B) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a capital construction grant may be used to satisfy the non-Federal share of the cost of a project for which the grant is awarded, except that the total Federal assistance provided for a project for which the grant is awarded may not exceed 80 percent of the total cost of the project.

(7) COMMUNITY ADVISORY BOARD.—

(A) IN GENERAL.—To help achieve inclusive economic development benefits with respect to the project for which a grant is awarded, a grant recipient may form a community advisory board, which, if formed, shall—

(i) facilitate community engagement with respect to the project; and

(ii) track progress with respect to commitments of the grant recipient to inclusive employment, contracting, and economic development under the project.

(B) MEMBERSHIP.—If a grant recipient forms a community advisory board under subparagraph (A), the community advisory board shall be composed of representatives of—

(i) the community, including residents in the immediate vicinity of the project;

(ii) owners of businesses that serve the community;

(iii) labor organizations that represent workers that serve the community;

(iv) State and local government; and

(v) private and nonprofit organizations that represent local community development.

(C) DIVERSITY.—The community advisory board formed under subparagraph (A) shall be representative of the community served by the project.

(e) PRIORITIES.—In selecting recipients of planning grants, capital construction grants, and technical assistance under this section, the Secretary shall give priority to—

(1) an application from a community that is economically disadvantaged or high risk of displacement, including an environmental justice community, an underserved community, or a community located in an area of persistent poverty; and

(2) an eligible entity that has—

(A) entered into a community benefits agreement with representatives of the community or formed a community advisory board under paragraph (7) of subsection (d);

(B) demonstrated a plan for employing residents in the area impacted by the activity or project through targeted hiring programs; and

(C) demonstrated a plan for improving transportation system access.

(f) ADMINISTRATIVE EXPENSES.—Of the amounts made available to carry out this section, the Secretary may set aside not more 2 percent for the costs of administering the program under this section.

(g) REPORTS.—

(1) USDOT REPORT ON PROGRAM.—Not later than January 1, 2026, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) evaluates the program under this section; and

(B) that—

(i) includes information about the level of applicant interest in planning grants, technical assistance under subsection (c)(3), and capital construction grants, including the extent to which overall demand exceeded available funds;

(ii) includes, for recipients of capital construction grants, the outcomes and impacts of the projects carried out with the grant, including—

(I) any changes in the overall level of mobility, congestion, access, and safety in the project area; and

(II) environmental impacts and economic development opportunities in the project area;

(iii) assesses projects funded under subsection (d) to provide best practices.

(2) GAO REPORT ON HIGHWAY REMOVALS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall issue a report that—

(A) identifies examples of projects to remove highways using Federal highway funds;

(B) evaluates the effect of highway removal projects on the surrounding area, including impacts to the local economy, congestion effects, safety outcomes, and impacts on the movement of freight and people;

(C) evaluates the existing Federal-aid program eligibility under title 23, United States Code, for highway removal projects;

(D) analyzes the costs and benefits of and barriers to removing underutilized highways that are nearing the end of their useful life compared to replacing or reconstructing the highway; and

(E) provides recommendations for integrating those assessments into transportation planning and decision-making processes.

(3) ELIGIBILITY GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish guidance describing the eligibility of funds apportioned under section 104(b) of title 23, United States Code, for activities eligible for assistance under this section.

(h) TECHNICAL ASSISTANCE.—Of the funds made available to carry out this section for planning grants, the Secretary may use not more than $15,000,000 during the period of fiscal years 2022 through 2026 to provide technical assistance under subsection (c)(3).

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**SA 2177.** Mr. COONS (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE _____—DRIVING FOR OPPORTUNITY**

**SEC. _____01. SHORT TITLE.**

This title may be cited as the ''Driving for Opportunity Act of 2021''.

**SEC. _____02. FINDINGS.**

Congress finds the following:

(1) Driving a vehicle is an essential aspect of the daily lives of most people in the United States.

(2) Driving is often required to access jobs and healthcare, take care of family, get groceries, and fulfill other basic responsibilities.

(3) In many small cities, towns, and rural areas that do not have public transportation and ridesharing alternatives, driving is often the only realistic means of transportation.

(4) Even in cities with public transportation and ridesharing options, individuals vulnerable to infection during the COVID–19 pandemic and those complying with public health guidance regarding social distancing are increasingly reliant on driving as their primary means of transportation for essential travel.

(5) In the United States, millions of Americans have had their driver's licenses suspended for unpaid court fines and fees.

(6) A person whose driver's license is suspended or revoked for unpaid fines and fees will often find it more difficult to earn a living and therefore pay the debt owed to the government.

(7) The barrier to employment posed by driver's license suspensions and revocations for unpaid fines and fees is especially problematic during the COVID–19 pandemic, when the unemployment rate is the highest it has been since the Great Depression.

(8) Drunk and dangerous driving are some of the leading causes of death and serious bodily injury in the United States, and promoting safety on the roads is a legitimate, necessary, and core governmental function. Suspending a license for unsafe driving conduct presents different considerations than suspending a license for unpaid fines and fees. Suspending a license for unsafe driving is an appropriate tool to protect public safety. Policymakers also may consider alternatives to suspension of a license for unsafe driving such as ignition interlock device programs.

(9) According to the National Highway Traffic Safety Administration, every year on average, over 34,000 people are killed and 2,400,000 more people are injured in motor vehicle crashes. Some of the major causes of these crashes include speeding, impaired driving, and distracted driving. Nearly half of passenger vehicle occupants killed in crashes are unrestrained. The societal harm caused by motor vehicle crashes has been valued at $836,000,000,000 annually. The enactment of, enforcement of, and education regarding traffic laws are key to addressing unsafe behavior and promoting public safety.

(10) However, most driver's license suspensions are not based on the need to protect public safety.

(11) In the State of Florida, 1,100,000 residents received a suspension notice for unpaid fines and fees in 2017 alone.

(12) Between 2010 and 2017, all but 3 States increased the amount of fines and fees for civil and criminal violations.

(13) In the United States, 40 percent of all driver's license suspensions are issued for conduct that was unrelated to driving.

(14) In 2015, the State of Washington calculated that State troopers spent 70,848 hours dealing with license suspensions for non-driving offenses.

(15) The American Association of Motor Vehicle Administrators estimated that arresting a person for driving with a suspended license can take 9 hours of an officer's time, including waiting for a tow truck, transporting an individual to jail, filling out paperwork, making a court appearance, and other administrative duties and accordingly Washington State Patrol Chief John Batiste called non-driving suspensions a ''drain on the system as a whole''.

(16) The Colorado Department of Motor Vehicles determined that suspending driver's licenses for offenses unrelated to driving consumed 8,566 hours per year of staff time in the Department.

(17) Many States impose a significant fee for reinstating a suspended driver's license, such as Alabama, where the fee is $275.

(18) Driving on a suspended license is one of the most common criminal charges in jurisdictions across the country.

(19) Seventy-five percent of those with suspended licenses report continuing to drive.

(20) It is more likely that those people are also driving without insurance due to the costs and restrictions associated with obtaining auto insurance on a suspended license, thereby placing a greater financial burden on other drivers when a driver with a suspended license causes an accident.

(21) The American Association of Motor Vehicle Administrators has concluded the following: ''Drivers who have been suspended for social non-conformance-related offenses are often trapped within the system. Some cannot afford to pay the original fines, and may lose their ability to legally get to and from work as a result of the suspension. Many make the decision to drive while suspended. The suspension results in increased financial obligations through new requirements such as reinstatement fees, court costs, and other penalties. While there is a clear societal interest in keeping those who are unfit to drive off the roads, broadly restricting licenses for violations unrelated to an individual's ability to drive safely may do more harm than good. This is especially true in areas of the country that lack alternative means of transportation. For those individuals, a valid driver license can be a means to survive. Local communities, employers, and employees all experience negative consequences as a result of social non-conformity suspensions, including unemployment, lower wages, fewer employment opportunities and hiring choices, and increased insurance costs.''.

(22) A report by the Harvard Law School Criminal Justice Policy Program concluded the following: ''The suspension of a driver's or professional license is one of the most pervasive poverty traps for poor people assessed a fine that they cannot afford to pay. The practice is widespread. Nearly 40 percent of license suspensions nationwide stem from unpaid fines, missed child support payments, and drug offenses—not from unsafe or intoxicated driving or failing to obtain automotive insurance. Suspension of a driver's or professional licenses is hugely counterproductive; it punishes non-payment by taking away a person's means for making a living. License suspension programs are also expensive for States to run and they distract law enforcement efforts from priorities related to public safety. License suspensions may also be unconstitutional if the license was suspended before the judge determined the defendant had the ability to pay the criminal justice debt.''.

**SEC. _____03. GRANTS FOR DRIVER'S LICENSES REINSTATEMENT PROGRAMS.**

Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.) is amended—

(1) in section 501(a) (34 U.S.C. 10152(a)), by adding at the end the following:

''(3) GRANTS FOR DRIVER'S LICENSE REINSTATEMENT PROGRAMS.—

''(A) IN GENERAL.—In addition to grants made under paragraph (1), the Attorney General may make grants to States described in subparagraph (B) to cover costs incurred by the State to reinstate driver's licenses previously suspended for unpaid fines and fees.

''(B) STATES DESCRIBED.—A State described in this subparagraph is a State that—

''(i) does not have in effect any State or local law that permits—

''(I) the suspension or revocation of, or refusal to renew, a driver's license of an individual based on the individual's failure to pay a civil or criminal fine or fee; or

''(II) the refusal to renew the registration of a motor vehicle based on the owner's failure to pay a civil or criminal fine or fee; and

''(ii) during the 3-year period ending on the date on which the State applies for or receives a grant under this paragraph, has repealed a State or local law that permitted the suspension or revocation of, or refusal to renew, driver's licenses or the registration of a motor vehicle based on the failure to pay civil or criminal fines or fees.

''(C) CRITERIA.—The Attorney General shall award grants under this section to eligible States that submit a plan to reinstate driver's licenses previously suspended for unpaid fines and fees—

''(i) to maximize the number of individuals with suspended driver's licenses eligible to have driving privileges reinstated or regained;

''(ii) to provide assistance to individuals living in areas where public transportation options are limited; and

''(iii) to ease the burden on States where the State or local law described in subparagraph (B) was in effect during the 3-year period ending on the date on which a State applies for a grant under this paragraph in accordance with section 502.

''(D) AMOUNT.—Each grant awarded under this paragraph shall be not greater than 5 percent of the amount allocated to the State in accordance with the formula established under section 505.

''(E) REPORT.—Not later than 1 year after the date on which a grant is made to a State under this paragraph, the State shall submit to the Attorney General a report that describes the program implemented under subparagraph (A), including with respect to—

''(i) the population served by the program;

''(ii) the number of driver's licenses reinstated under the program; and

''(iii) all costs to the State of the program, including how the grants under this paragraph were spent to defray such costs.''; and

(2) in section 508—

(A) by striking ''There'' and inserting ''(a) In General.—There''; and

(B) by adding at the end the following:

''(b) DRIVER'S LICENSE REINSTATEMENT PROGRAMS.—There is authorized to be appropriated to carry out section 501(a)(3) $20,000,000 for each of fiscal years 2021 through 2025.''.

**SEC. _____04. GAO STUDY.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the implementation of the grant program in paragraph (3) of section 501(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152(a)), as added by section ⟦_____03(a)⟧ of this Act, that—

(1) includes what is known about the effect of repealing State laws, in selected States, that had permitted the suspension or revocation of, or refusal to renew, driver's licenses or the registration of a motor vehicle based on the failure to pay civil or criminal fines or fees, including such factors, to the extent information is available, as—

(A) the collection of fines and fees;

(B) the usage of law enforcement resources;

(C) economic mobility and unemployment;

(D) rates of enforcement of traffic safety laws through the tracking of number of summonses and violations issued (including those related to automated enforcement technologies);

(E) the use of suspensions for public safety-related reasons (including reckless driving, speeding, and driving under the influence);

(F) safety-critical traffic events (including in localities with automated enforcement programs);

(G) the rates of license suspensions and proportion of unlicensed drivers;

(H) racial and geographic disparities; and

(I) administrative costs (including costs associated with the collection of fines and fees and with the reinstatement of driver's licenses); and

(2) includes what is known about—

(A) existing alternatives to driver's license suspension as methods of enforcement and collection of unpaid fines and fees; and

(B) existing alternatives to traditional driver's license suspension for certain kinds of unsafe driving, including models that allow drivers to continue to drive legally while pursuing driver improvement opportunities.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary and the Committee on Environment and Public Works of the Senate and the Committee on the Judiciary and the Committee on Transportation and Infrastructure a report on the study required under subsection (a).

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**SA 2178.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

**SEC. _____. OPEN NETWORK ARCHITECTURE.**

(a) OPEN NETWORK ARCHITECTURE TESTBED.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Applied Research Open-RAN testbed'' means the testbed established under paragraph (2);

(B) the term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information; and

(C) the term ''NTIA'' means the National Telecommunications and Information Administration.

(2) ESTABLISHMENT.—The Assistant Secretary shall establish an applied research open network architecture testbed at the Institute for Telecommunication Sciences of the NTIA to develop and demonstrate network architectures and applications, equipment integration and interoperability at scale, including—

(A) Open Radio Access Network (commonly known as ''Open-RAN'') technology;

(B) Virtualized Radio Access Network (commonly known as ''vRAN'') technology; and

(C) cloud native technologies that replicate telecommunications hardware as software-based virtual network elements and functions.

(3) FOCUS; CONSIDERATIONS.—In establishing the Applied Research Open-RAN testbed pursuant to this subsection, the Assistant Secretary shall ensure that such testbed evaluates issues related to deployment and operation of open network architectures in rural areas.

(4) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—The Assistant Secretary shall enter into cooperative research and development agreements as appropriate to obtain equipment, devices, and expertise for the Applied Research Open-RAN testbed, in accordance with section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(5) PRIVATE SECTOR CONTRIBUTIONS.—The Assistant Secretary may accept private contributions to the Applied Research Open-RAN testbed in the form of network equipment or devices for testing purposes.

(6) PARTNERSHIP WITH GOVERNMENT ENTITIES.—

(A) ESTABLISHMENT.—In establishing the Applied Research Open-RAN testbed, the Assistant Secretary shall—

(i) consult with the Federal Communications Commission, including with respect to ongoing work by the Commission to develop other testbeds, including private sector testbeds, related to Open-RAN technologies; and

(ii) ensure that the work on the testbed is coordinated with the responsibilities of the Assistant Secretary under any relevant memorandum of understanding with the Federal Communications Commission and the National Science Foundation related to spectrum.

(B) OPERATIONS.—In operating the Applied Research Open-RAN testbed, the Assistant Secretary shall, in consultation with the Federal Communications Commission, partner with—

(i) the First Responder Network Authority of the NTIA (also known as ''FirstNet'') and the Public Safety Communications Research Division of the National Institute of Standards and Technology to examine use cases and applications for Open-RAN technologies in a public safety network;

(ii) other Federal agencies, as appropriate to examine use cases and applications for Open-RAN technologies in other areas of interest to such agencies; and

(iii) international partners, as appropriate.

(7) STAKEHOLDER INPUT.—The Assistant Secretary shall seek input from stakeholders regarding the establishment and operation of the Applied Research Open-RAN testbed.

(8) IMPLEMENTATION DEADLINE.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall—

(A) define metrics and parameters for the Applied Research Open-RAN testbed, including functionality, project configuration and capacity, performance, security requirements, and quality assurance;

(B) adopt any rules as necessary, in consultation with the Federal Communications Commission; and

(C) begin the development of the Applied Research Open-RAN testbed, including seeking stakeholder input as required by paragraph (7).

(9) REPORT.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the testbed and any recommendations for additional legislative or regulatory actions relating to the work of the testbed.

(10) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated for the administration of the Applied Research Open-RAN testbed $20,000,000 for fiscal year 2022, to remain available until expended.

(B) RULE OF CONSTRUCTION.—Nothing in paragraph (6) shall be construed to obligate FirstNet or any other Federal entity to pay for the cost of the Applied Research Open-RAN testbed established under this subsection in the absence of the appropriation of amounts under this paragraph.

(C) AUTHORIZATION FOR VOLUNTARY SUPPORT.—A Federal entity, including FirstNet, may voluntarily enter into an agreement with NTIA to provide monetary or nonmonetary support for the Applied Research Open-RAN testbed.

(b) PARTICIPATION IN STANDARDS-SETTING BODIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information;

(B) the term ''eligible standards-setting body''—

(i) means a standards-setting body, participation in which may be funded by a grant awarded under paragraph (2), as determined by the Assistant Secretary; and

(ii) includes—

(I) the 3rd Generation Partnership Project (commonly known as ''3GPP'');

(II) the Alliance for Telecommunications Industry Solutions (commonly known as ''ATIS'');

(III) the International Telecommunications Union (commonly known as ''ITU'');

(IV) the Institute for Electrical and Electronics Engineers (commonly known as ''IEEE'');

(V) the World Radiocommunications Conferences (commonly known as the ''WRC'') of the ITU;

(VI) the Internet Engineering Task Force (commonly known as the ''IETF'');

(VII) the International Organization for Standardization (commonly known as the ''ISO'') and the International Electrotechnical Commission (commonly known as the ''IEC'');

(VIII) the O-RAN Alliance;

(IX) the Telecommunications Industry Association (commonly known as ''TIA''); and

(X) any other standards-setting body identified under paragraph (4);

(C) the term ''Secretary'' means the Secretary of Commerce; and

(D) the term ''standards-setting body'' means an international body that develops the standards for open network architecture technologies.

(2) GRANT PROGRAM.—

(A) IN GENERAL.—The Secretary, in collaboration with the Assistant Secretary, shall award grants to private sector entities based in the United States to participate in eligible standards-setting bodies.

(B) PRIORITIZATION.—The Secretary shall prioritize grants awarded under this subsection to private sector entities that would not otherwise be able to participate in eligible standards-setting bodies without the grant.

(3) GRANT CRITERIA.—Not later than 180 days after the date on which amounts are appropriated under paragraph (5), the Secretary, in collaboration with the Assistant Secretary, shall establish criteria for the grants awarded under paragraph (2).

(4) CONSULTATION WITH FEDERAL COMMUNICATIONS COMMISSION.—The Secretary shall consult with the Federal Communications Commission in—

(A) determining criteria for the grants awarded under paragraph (2); and

(B) determining which standards-setting bodies, if any, in addition to the standards-setting bodies listed in paragraph (1)(B)(ii) are eligible standards-setting bodies.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated for grants under paragraph (2) $30,000,000 in total for fiscal years 2022 through 2025, to remain available until expended.

(B) ADMINISTRATIVE COSTS.—The Secretary may use not more than 2 percent of any funds appropriated under this paragraph for the administration of the grant program established under this subsection.

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**SA 2179.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2060, line 17, strike ''NTIA AUTHORITY'' and all that follows through ''(E)'' on page 2061, line 3.

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**SA 2180.** Mr. BARRASSO (for himself and Mr. INHOFE) proposed an amendment to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows:

In section 309(e) of the Energy Conservation and Production Act (as added by section 40511(a)), strike the closing quotation marks and the following period and insert the following:

''(f) LIMITATION ON USE OF FUNDS.—None of the funds made available under subsection (e) may be used—

''(1) to encourage or facilitate the adoption of building codes that restrict or prohibit the direct use of natural gas in residential and commercial buildings for space heating, water heating, cooking, or other purposes; or

''(2) to compel the adoption of model building energy codes.''.

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**SA 2181.** Ms. LUMMIS (for herself, Mr. KELLY, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows:

At the end of subtitle E of title I of division A, add the following:

**SEC. 115___. HIGHWAY COST ALLOCATION STUDY.**

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary, in coordination with State departments of transportation, shall carry out a highway cost allocation study to determine the direct costs of highway use by various types of users.

(b) INCLUSIONS.—The study under subsection (a) shall include an examination of—

(1) the Federal costs occasioned in the design, construction, rehabilitation, and maintenance of Federal-aid highways by—

(A) the use of vehicles of different dimensions, weights, number of axles, and other specifications; and

(B) the frequency of those vehicles in the traffic stream;

(2) the safety-, emissions-, congestion-, and noise-related costs of highway use by various types of users, and other costs as determined by the Secretary; and

(3) the proportionate share of the costs described in paragraph (1) that are attributable to each class of highway users.

(c) REQUIREMENTS.—In carrying out the study under subsection (a), the Secretary shall—

(1) ensure that the study examines only direct costs of highway use;

(2) capture the various driving conditions in different geographic areas of the United States;

(3) to the maximum extent practicable, distinguish between costs directly occasioned by a highway user class and costs occasioned by all highway user classes; and

(4) compare the costs occasioned by various highway user classes with the user fee revenue contributed to the Highway Trust Fund by those highway user classes.

(d) REPORTS.—

(1) INTERIM REPORTS.—Not less frequently than annually during the period during which the Secretary is carrying out the study under subsection (a), the Secretary shall submit to Congress an interim report on the progress of the study.

(2) FINAL REPORT.—On completion of the study under subsection (a), the Secretary shall submit to Congress a final report on the results of the study, including the recommendations under subsection (e).

(e) RECOMMENDATIONS.—On completion of the study under subsection (a), the Secretary, in coordination with the Secretary of the Treasury, shall develop recommendations for a set of revenue options to fully cover the costs occasioned by highway users, including recommendations for—

(1) changes to existing revenue streams; and

(2) new revenue streams based on user fees.

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**SA 2182.** Mrs. GILLIBRAND (for herself, Mr. BOOKER, Mrs. FEINSTEIN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division E, insert the following:

**SEC. 50_____. MAXIMUM CONTAMINANT LEVELS.**

Section 1412(b) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)) is amended by adding at the end the following:

''(16) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

''(A) REQUIRED REGULATIONS.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall publish a maximum contaminant level and promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, including, at a minimum—

''(i) perfluorooctanoic acid (commonly referred to as 'PFOA'); and

''(ii) perfluorooctane sulfonic acid (commonly referred to as 'PFOS').

''(B) MONITORING.—In establishing monitoring requirements under the national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances under subparagraph (A), the Administrator shall—

''(i) consider options for tailoring monitoring requirements for public water systems that do not detect, or are reliably and consistently below the maximum contaminant level for, those substances; and

''(ii) prioritize the use of existing authorities to provide technical assistance and funding to help small, rural, or disadvantaged public water systems to comply with the national primary drinking water regulation.

''(C) HEALTH PROTECTION.—The national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances under subparagraph (A) shall be protective of the health of subpopulations at greater risk, as described in section 1458.

''(D) HEALTH RISK REDUCTION AND COST ANALYSIS.—In meeting the requirements of paragraph (3)(C) with respect to the national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances under subparagraph (A), the Administrator may rely on information available to the Administrator with respect to 1 or more specific perfluoroalkyl or polyfluoroalkyl substances to extrapolate reasoned conclusions with respect to the health risks and effects of a class of perfluoroalkyl or polyfluoroalkyl substances of which the specific perfluoroalkyl or polyfluoroalkyl substances are a part, including by using techniques described in—

''(i) the document of the Environmental Protection Agency entitled 'Generalized Read-Across (GenRA)' (or a successor document); and

''(ii) the Toxicity Estimation Software Tool of the Environmental Protection Agency (or a successor tool).''.

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**SA 2183.** Mrs. GILLIBRAND (for herself, Ms. WARREN, Mr. PADILLA, Mr. DURBIN, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division E, insert the following:

**SEC. 50____. CLEAN WATER ACT EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS AND WATER QUALITY CRITERIA FOR PFAS.**

(a) DEADLINES.—

(1) WATER QUALITY CRITERIA.—Not later than 2 years after the date of enactment of this section, the Administrator shall publish in the Federal Register human health water quality criteria for each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of such substances.

(2) EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR PRIORITY INDUSTRY CATEGORIES.—As soon as practicable, but not later than 4 years after the date of enactment of this section, the Administrator shall publish in the Federal Register a final rule establishing, for each priority industry category, effluent limitations guidelines and standards, in accordance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), for the discharge (including a discharge into a publicly owned treatment works) of each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of such substances.

(b) NOTIFICATION.—The Administrator shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of each publication made under this section.

(c) IMPLEMENTATION ASSISTANCE FOR PUBLICLY OWNED TREATMENT WORKS.—

(1) IN GENERAL.—The Administrator shall award grants to owners and operators of publicly owned treatment works, to be used to implement effluent limitations guidelines and standards developed by the Administrator for a perfluoroalkyl substance, polyfluoroalkyl substance, or class of such substances.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection $200,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

(d) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) EFFLUENT LIMITATION.—The term ''effluent limitation'' has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(3) MEASURABLE.—The term ''measurable'', with respect to a chemical substance or class of chemical substances, means capable of being measured using—

(A) a test procedure promulgated or approved in accordance with part 136 of title 40, Code of Federal Regulations (or successor regulations); or

(B) another analytical method for measuring a perfluoroalkyl substance, polyfluoroalkyl substance, or class of those substances, if the analytical method is validated by the Administrator.

(4) PERFLUOROALKYL SUBSTANCE.—The term ''perfluoroalkyl substance'' means a chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(5) POLYFLUOROALKYL SUBSTANCE.—The term ''polyfluoroalkyl substance'' means a chemical containing at least one fully fluorinated carbon atom and at least one carbon atom that is not a fully fluorinated carbon atom.

(6) PRIORITY INDUSTRY CATEGORY.—The term ''priority industry category'' means the following point source categories:

(A) Organic chemicals, plastics, and synthetic fibers, as identified in part 414 of title 40, Code of Federal Regulations (or successor regulations).

(B) Pulp, paper, and paperboard, as identified in part 430 of title 40, Code of Federal Regulations (or successor regulations).

(C) Textile mills, as identified in part 410 of title 40, Code of Federal Regulations (or successor regulations).

(D) Electroplating, as identified in part 413 of title 40, Code of Federal Regulations (or successor regulations).

(E) Metal finishing, as identified in part 433 of title 40, Code of Federal Regulations (or successor regulations).

(F) Leather tanning and finishing, as identified in part 425 of title 40, Code of Federal Regulations (or successor regulations).

(G) Paint formulating, as identified in part 446 of title 40, Code of Federal Regulations (or successor regulations).

(H) Electrical and electronic components, as identified in part 469 of title 40, Code of Federal Regulations (or successor regulations).

(I) Plastics molding and forming, as identified in part 463 of title 40, Code of Federal Regulations (or successor regulations).

(7) TREATMENT WORKS.—The term ''treatment works'' has the meaning given that term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

(8) WATER QUALITY CRITERIA.—The term ''water quality criteria'' means the recommended criteria for water quality developed by the Administrator under section 304(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(1)).

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**SA 2184.** Mrs. GILLIBRAND submitted an amendment intended to be

proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division H, insert the following:

**SEC. ___. MODIFICATIONS TO INCOME EXCLUSION FOR CERTAIN WASTE WATER MANAGEMENT SUBSIDIES.**

(a) IN GENERAL.—Section 136(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''any subsidy provided'' and inserting ''any subsidy—

''(1) provided'',

(2) by striking the period at the end and inserting '', or'', and

(3) by adding at the end the following new paragraph:

''(2) provided (directly or indirectly) by a State or local government to a resident of such State or locality for the purchase or installation of any wastewater management measure.''.

(b) DEFINITION OF WASTE WATER MANAGEMENT MEASURE.—Section 136(c) of such Code is amended—

(1) by striking ''ENERGY CONSERVATION MEASURE'' in the heading thereof and inserting ''DEFINITIONS'',

(2) by striking ''IN GENERAL'' in the heading of paragraph (1) and inserting ''ENERGY CONSERVATION MEASURE'', and

(3) by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

''(2) WASTEWATER MANAGEMENT MEASURE.—For purposes of this section, the term 'wastewater management measure' means any installation or modification of property primarily designed to manage wastewater (including septic tanks and cesspools) with respect to one or more dwelling units.''.

(c) CLERICAL AMENDMENTS.—

(1) The heading for section 136 of such Code is amended—

(A) by inserting ''**AND WASTE WATER**'' after ''**ENERGY**'', and

(B) by striking ''**PROVIDED BY PUBLIC UTILITIES**''.

(2) The item relating to section 136 in the table of sections of part III of subchapter B of chapter 1 of such Code is amended—

(A) by inserting ''and waste water'' after ''energy'', and

(B) by striking ''provided by public utilities''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2018.

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**SA 2185.** Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. GAO STUDY ON THE IMPACT OF DRUNK DRIVING CHILD ENDANGERMENT LAWS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the impact and effectiveness of drunk driving child endangerment laws, and ways in which child endangerment laws can be strengthened to protect children who may be passengers in vehicles driven by drunk drivers.

(b) CONTENTS.—The report required under this section shall—

(1) review—

(A) State laws to determine best practices, comparing State laws in which driving drunk with a child is classified as a felony versus a misdemeanor; and

(B) effective ways in which States mandate or encourage reporting and documentation of child endangerment; and

(2) make recommendations as to how State laws can be improved to protect children from riding as passengers in vehicles driven by drunk drivers, including increased penalties, reporting requirements, and coordination with child protective services.

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**SA 2186.** Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

**SEC. 230___. COMMERCIAL DRIVER'S LICENSE REQUIREMENT.**

(a) IN GENERAL.—Section 31301(4)(B) of title 49, United States Code, is amended by striking ''to transport at least 16 passengers including the driver'' and inserting ''or used to transport 9 or more passengers, including the driver''.

(b) COMPLETION OF RULEMAKING.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete the rulemaking process and issue a final rule with respect to the withdrawn rulemaking entitled ''State Inspection Programs for Passenger-Carrier Vehicles'', published in the Federal Register on April 27, 2016 (81 Fed. Reg. 24769).

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**SA 2187.** Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 23011(c)(1)(B) of title III of division B, strike '', benefits, and costs''.

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**SA 2188.** Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

**SECTION 230___. RESEARCH REGARDING THE NEED FOR UNDERRIDE GUARDS ON SINGLE-UNIT TRUCKS BASED ON THE HEIGHT OF THE UNDERCARRIAGE.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) conduct research on the incidence and severity of underride accidents involving—

(A) a single-unit truck with an undercarriage height of more than 22 inches; and

(B) a single-unit truck with an undercarriage height of not more than 22 inches; and

(2) submit to Congress a report containing legislative recommendations regarding any need for underride guards on single-unit trucks based on the height of the undercarriage of the single-unit truck.

(b) INDEPENDENT RESEARCH.—If the Secretary enters into a contract with a third party to perform the research required under subsection (a)(1), the Secretary shall ensure that the third party does not have any financial or contractual tie to, or relationship with—

(1) a motor carrier that transports passengers or property for compensation;

(2) the motor carrier industry; or

(3) an entity producing or supplying underride guards.

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**SA 2189.** Mrs. GILLIBRAND (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

**SEC. ___. UNDERRIDE GUARDS FOR GENERAL SERVICES ADMINISTRATION TRUCKS.**

(a) DEFINITIONS.—In this section:

(1) REAR UNDERRIDE GUARD.—The term ''rear underride guard'' means a device installed on or near the rear of a motor vehicle that prevents or limits the distance that the front end of a vehicle striking the rear of the vehicle with the device will slide under the rear of the impacted vehicle.

(2) SIDE UNDERRIDE GUARD.—The term ''side underride guard'' means a device installed on or near the side of a motor vehicle that prevents or limits the distance that the front end of a vehicle striking the side of the vehicle with the device will slide under the side of the impacted vehicle.

(b) PROCUREMENT AND USE OF TRUCKS WITH UNDERRIDE GUARDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the General Services Administration—

(A) may not purchase a truck, the bottom of the carriage of which is more than 22 inches above the ground, unless the truck

has a rear underride guard and side underride guards; and

(B) shall require that a truck used under a contract with the General Services Administration has a rear underride guard and side underride guards.

(2) SAVINGS CLAUSE.—Paragraph (1) shall not apply to any purchase or use of a truck required under a contract entered into by the General Services Administration before the date of enactment of this Act.

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**SA 2190.** Mr. DURBIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. AUTHORIZATION OF AMTRAK TO BRING A CIVIL ACTION TO ENFORCE ITS PREFERENCE RIGHTS.**

(a) IN GENERAL.—Section 24308(c) of title 49, United States Code, is amended by adding at the end the following: ''Notwithstanding sections 24103(a) and 24308(f), Amtrak shall have the right to bring an action for equitable or other relief in the United States District Court for the District of Columbia to enforce the preference rights granted under this subsection.''.

(b) CONFORMING AMENDMENT.—Section 24103(a)(1) of title 49, United States Code, is amended by inserting ''and section 24308(c)'' before '', only the Attorney General''.

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**SA 2191.** Mr. DURBIN (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 25010 of division B and insert the following:

**SEC. 25010. RURAL INVESTMENT.**

(a) DEFINITIONS.—In this section:

(1) ADVISORY BOARD.—The term ''Advisory Board'' means the Rural Transportation Advisory Board established under subsection (d)(1).

(2) BUILD AMERICA BUREAU.—The term ''Build America Bureau'' means the National Surface Transportation and Innovative Finance Bureau established under section 116 of title 49, United States Code.

(3) COUNCIL.—The term ''Council'' means the Rural Investment Council established under subsection (c)(1).

(4) DIRECTOR.—The term ''Director'' means the Director for Rural Investment appointed under subsection (b)(3)(A).

(5) OFFICE.—The term ''Office'' means the Office of Rural Investment established under subsection (b)(1).

(6) RURAL COMMUNITY.—The term ''rural community'' means—

(A) a community, including a historically disadvantaged community, located in a rural area;

(B) a federally recognized Indian Tribe; and

(C) a historically disadvantaged community located in a Tribal area.

(b) OFFICE OF RURAL INVESTMENT.—

(1) IN GENERAL.—The Secretary shall establish in the Department, within the Office of the Secretary, an Office of Rural Investment—

(A) to improve the analysis of projects proposed by rural communities applying for discretionary grants from the Department, including by ensuring that project costs, local resources, and the larger benefits to the people and the economy of the United States are appropriately considered;

(B) to ensure that the unique needs and attributes of rural transportation, involving all modes, are fully addressed and prioritized during the development and implementation of transportation policies, programs, and activities within the Department;

(C)(i) to improve coordination of Federal transportation policies, programs, and activities within the Department in a manner that expands economic development in rural communities and regions; and

(ii) to provide recommendations for improvement, including additional internal realignments;

(D) to expand Federal transportation infrastructure investment in rural communities and regions, including by providing recommendations for changes in existing funding distribution patterns;

(E) to use innovation to resolve local and regional transportation challenges faced by rural communities and regions;

(F) to promote and improve planning and coordination among rural communities and regions to maximize the unique competitive advantage in those locations while avoiding duplicative Federal, State and local investments; and

(G) to ensure that all rural communities and regions lacking resources receive proactive outreach, education, and technical assistance to improve access to Federal transportation programs.

(2) OBJECTIVES.—The Office shall—

(A) collect input from knowledgeable entities and the public on—

(i) the benefits of rural and Tribal transportation projects;

(ii) the technical and financial assistance required for constructing and operating rural and Tribal transportation infrastructure and services;

(iii) barriers and opportunities to funding rural and Tribal transportation projects;

(iv) unique transportation barriers and challenges facing historically disadvantaged communities in rural and Tribal areas; and

(v) unique environmental transportation issues for rural communities and Tribal communities;

(B) evaluate data on rural and Tribal transportation challenges and determine methods to align the discretionary funding and financing opportunities of the Department with the needs of rural communities and Tribal communities for meeting national transportation goals; and

(C) educate rural communities and Tribal communities about applicable Department discretionary grants, develop effective methods to evaluate projects in those communities in discretionary grant programs, and communicate those methods through program guidance.

(3) LEADERSHIP.—

(A) IN GENERAL.—The Office shall be headed by a Director for Rural Investment who shall be appointed by, and report directly to, the Secretary.

(B) DUTIES OF THE DIRECTOR.—The Director shall—

(i) be responsible for engaging in activities to carry out—

(I) the mission of the Office described in paragraph (1); and

(II) the objectives of the Office described in paragraph (2);

(ii) organize, guide, and lead activities within the Department to address disparities in rural transportation infrastructure to improve safety, economic development, and quality of life in rural communities and regions;

(iii) provide information and outreach to rural communities and regions concerning the availability and eligibility requirements of participating in programs of the Department;

(iv) help rural communities and regions—

(I) identify competitive economic advantages and transportation investments that ensure continued economic growth; and

(II) avoid duplicative transportation investments;

(v) serve as a resource for assisting rural communities and regions with respect to Federal transportation programs;

(vi) identify—

(I) Federal statutes, regulations, and polices that may impede the Department from supporting effective rural infrastructure projects that address national transportation goals; and

(II) potential measures to solve or mitigate those issues;

(vii) identify improved, simplified, and streamlined internal processes to help limited-resource rural communities and regions access transportation investments;

(viii) recommend changes and initiatives for the Secretary to consider;

(ix) ensure and coordinate a routine rural consultation on the development of policies, programs, and activities of the Department;

(x) serve as an advocate within the Department on behalf of rural communities and regions; and

(xi) work in coordination with the Department of Agriculture, the Department of Health and Human Services, the Department of Commerce, the Federal Communications Commission, and other Federal agencies, as the Secretary determines to be appropriate, in carrying out the duties described in clauses (i) through (x).

(4) CONTRACTS AND AGREEMENTS.—For the purpose of carrying out the mission of the Office under paragraph (1) and the objectives of the Office under paragraph (2), the Secretary may enter into contracts, cooperative agreements, and other agreements as necessary, including with research centers, institutions of higher education, States, units of local government, nonprofit organizations, or a combination of any of those entities—

(A) to conduct research on transportation investments that promote rural economic development;

(B) to solicit information in the development of policy, programs, and activities of the Department that can improve infrastructure investment and economic development in rural communities and regions;

(C) to develop educational and outreach materials, including the conduct of workshops, courses, and certified training for rural communities and regions that can further the mission and objectives of the Office and the mission and goals of the Department; and

(D) to carry out any other activities, as determined by the Secretary to be appropriate.

(5) GRANTS.—

(A) IN GENERAL.—For the purpose of carrying out the mission of the Office under paragraph (1) and the objectives of the Office

under paragraph (2), the Secretary may award competitive grants to an entity described in subparagraph (B) to support expanded education, outreach, and technical assistance to rural communities and regions.

(B) ENTITY DESCRIBED.—An entity referred to in subparagraph (A) is a nonprofit organization or an institution of higher education that has not less than 3 years of experience providing meaningful transportation technical assistance or advocacy services to rural communities and regions.

(6) EMPLOYEES.—The Secretary shall ensure that not more than 4 full-time equivalent employees are assigned to the Office.

(c) RURAL INVESTMENT COUNCIL.—

(1) IN GENERAL.—The Secretary shall establish a Rural Investment Council—

(A) to assist the Secretary in organizing the Office;

(B) to provide guidance to the Office;

(C) to assist the Director in leading the Office; and

(D) to work with the Office to coordinate rural-related and Tribal-related funding programs and assistance among the modal administrations of the Department.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Council shall be composed of the following officers of the Department, or their designees:

(i) The Under Secretary of Transportation for Policy.

(ii) The General Counsel.

(iii) The Chief Financial Officer and Assistant Secretary for Budget and Programs.

(iv) The Assistant Secretary for Research and Technology.

(v) The Assistant Secretary for Multimodal Freight.

(vi) The Administrators of—

(I) the Federal Aviation Administration;

(II) the Federal Highway Administration;

(III) the Federal Railroad Administration; and

(IV) the Federal Transit Administration.

(vii) The Executive Director of the Build America Bureau.

(viii) The Assistant Secretary for Governmental Affairs.

(B) CHAIR.—The Under Secretary of Transportation for Policy shall be the Chair of the Council.

(C) ADDITIONAL MEMBERS.—The Secretary or the Chair of the Council may designate additional members to serve on the Council.

(3) ADDITIONAL MODAL INPUT.—To address issues related to safety and transport of rural and Tribal commodities, the Council shall consult with the Administrators (or their designees) of—

(A) the Maritime Administration;

(B) the Great Lakes St. Lawrence Seaway Development Corporation; and

(C) the National Highway Traffic Safety Administration.

(4) DUTIES.—Members of the Council shall—

(A) participate in all meetings and relevant Council activities and be prepared to share information relevant to rural and Tribal transportation infrastructure projects and issues;

(B) provide guidance and leadership on rural and Tribal transportation infrastructure issues and represent the work of the Council and the Department on those issues to external stakeholders; and

(C) recommend initiatives to the Chair of the Council to consider, establish, and staff any resulting activities or working groups.

(5) MEETINGS.—The Council shall meet bimonthly.

(6) WORK PRODUCTS AND DELIVERABLES.—The Council may develop work products or deliverables to meet the goals of the Council, including—

(A) an annual report to Congress describing Council activities for the past year and expected activities for the coming year;

(B) any recommendations to enhance the effectiveness of Department discretionary grant programs regarding rural and Tribal infrastructure issues; and

(C) other guides and reports for relevant groups and the public.

(d) RURAL TRANSPORTATION ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary shall establish a Rural Transportation Advisory Board to consult with and advise the Office.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Board shall be composed of 15 members, appointed by the Secretary from among individuals with direct experience with rural issues, of whom—

(i) not fewer than 1 shall be a representative from an institution of higher education or extension program;

(ii) not fewer than 1 shall be a representative from an organization promoting business and economic development, such as a chamber of commerce, a local government institution, or a planning organization;

(iii) not fewer than 1 shall be a representative from a financing entity;

(iv) not fewer than 1 shall have experience in health, mobility, or emergency services;

(v) not fewer than 1 shall have experience in transportation safety;

(vi) not fewer than 1 shall have experience with workforce access;

(vii) not fewer than 1 shall have experience with tourism and recreational activities;

(viii) not fewer than 1 shall have—

(I) experience with rural supply chains, such as direct-to-consumer supply chains; and

(II) wholesale distribution experience;

(ix) not fewer than 1 shall have experience in emerging or innovative technologies relating to rural transportation networks;

(x) not fewer than 1 shall have experience in food, nutrition, and grocery access;

(xi) not fewer than 1 shall be actively engaged in agriculture, ranching, or forestry; and

(xii) not fewer than 1 shall have experience with historically underserved regions, as determined by the Secretary.

(B) REQUIREMENT.—The Secretary shall appoint members to the Advisory Board in a manner that ensures, to the maximum extent practicable, that the geographic and economic diversity of rural communities and regions of the United States are represented.

(C) TIMING OF INITIAL APPOINTMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the initial members of the Advisory Board.

(D) PERIOD OF APPOINTMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Advisory Board shall be appointed for a term of 3 years.

(ii) INITIAL APPOINTMENTS.—Of the members first appointed to the Advisory Board —

(I) 5, as determined by the Secretary, shall be appointed for a term of 3 years;

(II) 5, as determined by the Secretary, shall be appointed for a term of 2 years; and

(III) 5, as determined by the Secretary, shall be appointed for a term of 1 year.

(E) VACANCIES.—Any vacancy on the Advisory Board —

(i) shall not affect the power of the Advisory Board; and

(ii) shall be filled as soon as practicable and in the same manner as the original appointment.

(F) CONSECUTIVE TERMS.—An appointee to the Advisory Board may serve 1 additional, consecutive term if the member is reappointed by the Secretary.

(3) MEETINGS.—

(A) IN GENERAL.—The Advisory Board shall meet not less than twice per year, as determined by the Secretary.

(B) INITIAL MEETING.—Not later than 180 days after the date on which the initial members of the Advisory Board are appointed under paragraph (2)(C), the Advisory Board shall hold the first meeting of the Advisory Board.

(4) DUTIES.—

(A) IN GENERAL.—The Advisory Board shall—

(i) advise the Office on issues related to rural needs relating to Federal transportation programs;

(ii) evaluate and review ongoing research activities relating to rural transportation networks, including new and emerging barriers to economic development and access to investments;

(iii) develop recommendations for any changes to Federal law, regulations, internal Department policies or guidance, or other measures that would eliminate barriers for rural access or improve rural equity in transportation investments;

(iv) examine methods of maximizing the number of opportunities for assistance for rural communities and regions under Federal transportation programs, including expanded outreach and technical assistance;

(v) examine methods of encouraging intergovernmental and local resource cooperation to mitigate duplicative investments in key rural communities and regions and improve the efficiencies in the delivery of Federal transportation programs;

(vi) evaluate other methods of creating new opportunities for rural communities and regions; and

(vii) address any other relevant issues, as the Secretary determines to be appropriate.

(B) REPORTS.—Not later than 1 year after the date on which the initial members of the Advisory Board are appointed under paragraph (2)(C), and every 2 years thereafter through 2026, the Advisory Board shall submit to the Secretary and the relevant committees of Congress a report describing the recommendations developed under subparagraph (A)(iii).

(5) PERSONNEL MATTERS.—

(A) COMPENSATION.—A member of the Advisory Board shall serve without compensation.

(B) TRAVEL EXPENSES.—A member of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code.

(6) TERMINATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Advisory Board shall terminate on the date that is 5 years after the date on which the initial members are appointed under paragraph (2)(C).

(B) EXTENSION.—Before the date on which the Advisory Board terminates, the Secretary may renew the Advisory Board for 1 or more 2-year periods.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2022 through 2026.

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**SA 2192.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and

transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division J, insert the following:

EXPENSES FOR UNITED STATES MERCHANT MARINE ACADEMY INFRASTRUCTURE

SEC. _____. For necessary expenses of activities authorized by law for the United State Merchant Marine Academy, $611,026,400: *Provided*, That $526,512,000 shall be provided for construction and contingency purchases, $53,801,200 for design purchases, and $30,713,200 for program management purchases regarding United States Merchant Marine Academy infrastructure improvement, which shall be used to recapitalize, maintain, and enhance the infrastructure of the United States Merchant Marine Academy.

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**SA 2193.** Ms. ERNST (for herself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2547, strike line 12 and all that follows through page 2548, line 7, and insert the following:

PROCUREMENT, CONSTRUCTION, IMPROVEMENTS, AND OPERATIONS AND SUPPORT

For an additional amount for ''Procurement, Construction, Improvements, and Operations and Support'', $1,229,000,000, to remain available until September 30, 2026: *Provided*, That of the funds made available under this heading in this Act—

(1) $131,500,000 shall be for housing, family support, safety, and training facilities, as described in the Coast Guard Fiscal Year 2022 Unfunded Priorities List submitted to Congress on June 29, 2021;

(2) $158,000,000 shall be for shore construction addressing facility deficiencies, as described in the Coast Guard Fiscal Year 2022 Unfunded Priorities List submitted to Congress on June 29, 2021;

(3) $19,500,000 shall be for shore construction supporting operational assets and maritime commerce, as described in the Coast Guard Fiscal Year 2022 Unfunded Priorities List submitted to Congress on June 29, 2021;

(4) $120,000,000 shall be for construction and improvement of childcare development centers; and

(5) $800,000,000 shall be for the remaining items on the Coast Guard Fiscal Year 2022 Unfunded Priorities List submitted to Congress on June 29, 2021 that are not described in paragraphs (1), (2), or (3):

On page 2697, strike lines 9 through 23 and insert the following:

For an additional amount for ''Natural Gas Distribution Infrastructure Safety and Modernization Grant Program'', $200,000,000, to remain available until September 30, 2032 for the Secretary of Transportation to make competitive grants for the modernization of natural gas distribution pipelines: *Provided*, That $40,000,000, to remain available until September 30, 2032, shall be made available for fiscal year 2022, $40,000,000, to remain available until September 30, 2033, shall be made available for fiscal year 2023, $40,000,000, to remain available until September 30, 2034, shall be made available for fiscal year 2024, $40,000,000, to remain available until September 30, 2035, shall be made available for fiscal year 2025, and $40,000,000, to remain available until September 30, 2036, shall be made available for fiscal

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**SA 2194.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. METAL COMPOSITION OF CERTAIN COINS.**

(a) IN GENERAL.—Section 5112(b) of title 31, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1), the Secretary may prescribe a composition of materials in, and a construction of, the half dollar, quarter dollar, dime, or 5-cent coin that varies from the composition and construction required under that paragraph with respect to the coin (including by using different metals in the alloy for the coin than those required under that paragraph) if that action by the Secretary—

''(A) reduces the overall cost of minting the coin; and

''(B) does not affect—

''(i) the diameter and weight of the coin specified under subsection (a); or

''(ii) the functionality of the coin, including the electromagnetic signature with respect to the acceptance of the coin.''.

(b) TRANSFERS OF SAVINGS TO THE HIGHWAY TRUST FUND.—Section 9503(b) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (2) the following new paragraph:

''(3) SAVINGS FROM METAL COMPOSITION OF COINS.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to cost savings achieved as a result of alternation in the composition or construction of coins pursuant to section 5112(b)(2) of title 31, United States Code.''.

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**SA 2195.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

**SEC. ____. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.**

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2020.''.

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

**''SEC. 9013. TERMINATION.**

''The provisions of this chapter shall not apply with respect to any Presidential election (or any Presidential nominating convention) after the date of the enactment of this section, or to any candidate in such an election.''.

(B) TRANSFER OF REMAINING FUNDS.—

(i) IN GENERAL.—Section 9006 of such Code is amended by adding at the end the following new subsection:

''(d) TRANSFER OF FUNDS REMAINING AFTER TERMINATION.—The Secretary shall transfer the amounts in the fund as of the date of the enactment of this subsection to the Highway Trust Fund.''.

(ii) CONFORMING AMENDMENT.—Section 9503(f) of such Code, as amended by section 80103, is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

''(12) TRANSFER OF AMOUNTS FROM PRESIDENTIAL ELECTION CAMPAIGN FUND.—There is hereby transferred to the Highway Trust Fund the amounts described in section 9006(d).''.

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

**''SEC. 9043. TERMINATION.**

''The provisions of this chapter shall not apply to any candidate with respect to any Presidential election after the date of the enactment of this section.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9013. Termination.''.

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9043. Termination.''.

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**SA 2196.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III of division D, add the following:

**SEC. 4034_. AMERICAN CRITICAL MINERAL INDEPENDENCE.**

(a) DEFINITIONS.—In this section:

(1) BYPRODUCT.—The term ''byproduct'' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) CRITICAL MINERAL.—The term ''critical mineral'' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)), except that the term shall not exclude materials described in paragraph (3)(B)(iii) of that section.

(3) CRITICAL MINERAL PROJECT.—The term ''critical mineral project'' means a project—

(A) located on—

(i) a mining claim, millsite claim, or tunnel site claim for any locatable mineral;

(ii) land open to mineral entry; or

(iii) a Federal mineral lease; and

(B) for the purpose of producing a critical mineral, including—

(i) as a byproduct, or a product of a host mineral, or from tailings; or

(ii) through an exploration project with respect to which the presence of a byproduct is a reasonable expectation, based on known mineral companionality, geologic formation, mineralogy, or other factors.

(4) LEAD AGENCY.—The term ''lead agency'' means the agency with primary responsibility for issuing a mineral exploration or mine permit for a project.

(5) MINERAL EXPLORATION OR MINE PERMIT.—The term ''mineral exploration or mine permit'' means—

(A) an authorization of the Bureau of Land Management or the Forest Service, as applicable, for a premining activity that requires analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) a plan of operations issued by the Bureau of Land Management or the Forest Service; and

(C) a permit for a project located in an area for which a hardrock mineral permit or lease is available.

(6) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

(b) IMPROVING DOMESTIC PERMITTING PROCESSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and except with agreement of the project sponsor, the total period for all necessary Federal reviews and permit consideration for a critical mineral project on Federal land reasonably expected to produce critical minerals may not exceed—

(A) with respect to a project that requires an environmental assessment under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), 18 months; or

(B) with respect to a project that requires an environmental impact statement under that section, 24 months.

(2) DETERMINATION UNDER NATIONAL ENVIRONMENTAL POLICY ACT.—

(A) IN GENERAL.—To the extent that the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applies to the issuance of any mineral exploration or mine permit relating to a critical mineral project, the lead agency may deem the requirements of that Act to be satisfied if the lead agency determines that a State or Federal agency acting under State or Federal law has addressed the following factors:

(i) The environmental impact of the action to be conducted under the permit.

(ii) Possible alternatives to issuance of the permit.

(iii) The relationship between long- and short-term uses of the local environment and the maintenance and enhancement of long-term productivity.

(iv) Any irreversible and irretrievable commitment of resources that would be involved in the proposed action.

(B) PUBLICATION.—The lead agency shall publish a determination under subparagraph (A) not later than 90 days after receipt of an application for the permit.

(C) VERIFICATION.—The lead agency shall publish a determination that the factors under subparagraph (A) have been sufficiently addressed and public participation has occurred with regard to any authorizing actions before issuing any mineral exploration or mine permit for a critical mineral project.

(3) SCHEDULE FOR PERMITTING PROCESS.—For any critical mineral project for which the lead agency cannot make the determination described in paragraph (2)(A), at the request of a project sponsor, the lead agency, cooperating agencies, and any other agencies involved with the mineral exploration or mine permitting process shall enter into an agreement with the project sponsor that sets time limits for each part of the permitting process, including—

(A) the decision on whether to prepare an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) a determination of the scope of any environmental impact statement or similar analysis required under that Act;

(C) the scope of, and schedule for, the baseline studies required to prepare an environmental impact statement or similar analysis required under that Act;

(D) preparation of any draft environmental impact statement or similar analysis required under that Act;

(E) preparation of a final environmental impact statement or similar analysis required under that Act;

(F) any consultations required under applicable law;

(G) submission and review of any comments required under applicable law;

(H) publication of any public notices required under applicable law; and

(I) any final or interim decisions.

(4) CONSIDERATIONS.—In carrying out this subsection, the lead agency shall consider deferring to, and relying on, baseline data, analyses, and reviews performed by State agencies with jurisdiction over the proposed critical mineral project.

(5) MEMORANDUM OF AGREEMENT.—The lead agency with respect to a critical mineral project on Federal land, in consultation with any other Federal agency with jurisdiction over the critical mineral project, shall, on request of the project sponsor, a State or local government, an Indian Tribe, or another entity the lead agency determines appropriate, establish a memorandum of agreement with the project sponsor, a State or local government, an Indian Tribe, or another entity the lead agency determines appropriate to carry out the activities described in this subsection.

(6) ADDRESSING PUBLIC COMMENTS.—As part of the review process of a critical mineral project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the lead agency may not address any agency or public comments that were not submitted—

(A) during a public comment period or consultation period provided during the permitting process; or

(B) as otherwise required by law.

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**SA 2197.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III of division D, add the following:

**SEC. 40324. HA–LEU FOR ADVANCED NUCLEAR REACTORS.**

Section 2001 of the Energy Act of 2020 (42 U.S.C. 16281) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (D)—

(I) in clause (v)(III), by adding ''or'' after the semicolon at the end;

(II) by striking clause (vi); and

(III) by redesignating clause (vii) as clause (vi); and

(ii) in subparagraph (E), by striking ''for domestic commercial use'' and inserting ''to meet the needs of commercial, government, academic, and international entities''; and

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (6), respectively, and moving the paragraphs so as to appear in numerical order;

(2) in subsection (b)(2)—

(A) by striking ''subsection (a)(1)'' each place it appears and inserting ''subsection (b)(1)'';

(B) in subparagraph (B)(viii), by striking ''subsection (a)(2)(F)'' and inserting ''subsection (b)(2)(F)''; and

(C) in subparagraph (D)(vi), by striking ''subsection (a)(2)(A)'' and inserting ''subsection (b)(2)(A)'';

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately; and

(B) in the matter preceding subparagraph (A) (as so redesignated)—

(i) by striking ''There are'' and inserting the following:

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are''; and

(ii) by striking ''in this section'' and inserting ''under this subsection'';

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2), (3), (5), (6), (7), and (8), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

''(1) ADVANCED NUCLEAR REACTOR.—The term 'advanced nuclear reactor' has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).''; and

(C) by inserting after paragraph (3) (as so redesignated) the following:

''(4) DEPARTMENT.—The term 'Department' means the Department of Energy.'';

(5) by moving paragraph (7) of subsection (c) (as designated by paragraph (3)(B)(i)) so as to appear after paragraph (6) of subsection (a) (as redesignated by paragraph (1)(B));

(6) by striking subsection (c);

(7) by redesignating subsections (a), (b), and (d) as subsections (b), (g), and (a), respectively, and moving the subsections so as to appear in alphabetical order; and

(8) by inserting after subsection (b) (as so redesignated) the following:

''(c) HA–LEU FOR ADVANCED NUCLEAR REACTOR DEMONSTRATION PROJECTS.—

''(1) ACTIVITIES.—Not later than 30 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall initiate activities to make available HA–LEU, produced from inventories owned by the Department, for use by advanced nuclear reactors, with priority given to the awards made pursuant to the funding opportunity announcement of the Department numbered DE–FOA–0002271 for Pathway 1, Advanced Reactor Demonstrations, with additional HA–LEU to be made available to members of the consortium established under subsection (b)(2)(F), as available.

''(2) OWNERSHIP.—HA–LEU made available under this subsection—

''(A) shall remain the property of, and title shall remain with, the Department; and

''(B) shall not be subject to the requirements of section 3112(d)(2) and 3113 of the

USEC Privatization Act (42 U.S.C. 2297h–10(d)(2), 2297h–11).

''(3) QUANTITY.—In carrying out activities under this subsection, the Secretary, to the maximum extent practicable, shall make available—

''(A) by September 30, 2024, not less than 3 metric tons of HA–LEU; and

''(B) by December 31, 2025, not less than an additional 15 metric tons of HA–LEU.

''(4) FACTORS FOR CONSIDERATION.—In carrying out activities under this subsection, the Secretary shall take into consideration—

''(A) options for providing HA–LEU from a stockpile of uranium owned by the Department (including the National Nuclear Security Administration), including—

''(i) fuel that—

''(I) directly meets the needs of the end-users described in paragraph (1); but

''(II) has been previously used or fabricated for another purpose;

''(ii) fuel that can meet the needs of the end-users described in paragraph (1) after removing radioactive or other contaminants that resulted from a previous use or fabrication of the fuel for research, development, demonstration, or deployment activities of the Department (including activities of the National Nuclear Security Administration);

''(iii) fuel from a high-enriched uranium stockpile, which can be blended with lower assay uranium to become HA–LEU to meet the needs of the end-users described in paragraph (1); and

''(iv) fuel from uranium stockpiles intended for other purposes, but for which material could be swapped or replaced in time in such a manner that would not negatively impact the missions of the Department;

''(B) options for providing HA–LEU from domestically enriched HA–LEU procured by the Department through a competitive process pursuant to the HA–LEU Bank established under subsection (d)(3)(C); and

''(C) options to replenish, as needed, Department stockpiles of uranium made available pursuant to subparagraph (A) with domestically enriched HA–LEU procured by the Department through a competitive process pursuant to the HA–LEU Bank established under subsection (d)(3)(C).

''(5) LIMITATION.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to—

''(A) the final disposition of radioactive waste from uranium that is the subject of a contract for sale, resale, transfer, or lease under this subsection; or

''(B) environmental cleanup activities.

''(6) APPROPRIATIONS.—In addition to amounts otherwise made available, there is appropriated to the Secretary to carry out this subsection, out of any amounts in the Treasury not otherwise appropriated, $200,000,000 for each of fiscal years 2022 through 2026.

''(7) SUNSET.—The authority of the Secretary to carry out activities under this subsection shall terminate on the earlier of—

''(A) September 30, 2027; and

''(B) the date on which the HA–LEU needs of the end-users described in paragraph (1) can be fully met by commercial enrichers in the United States.

''(d) COMMERCIAL HA–LEU AVAILABILITY.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall establish a program (referred to in this subsection as the 'program') to accelerate the availability of commercially produced HA–LEU in the United States in accordance with this subsection.

''(2) PURPOSES.—The purposes of the program are—

''(A) to provide for the availability of HA–LEU enriched, deconverted, and fabricated in the United States;

''(B) to address nuclear supply chain issues in the United States; and

''(C) to support strategic nuclear fuel cycle capabilities in the United States.

''(3) CONSIDERATIONS.—In carrying out the program, the Secretary shall consider and, as appropriate, execute—

''(A) options to establish, through a competitive process, a commercial HA–LEU production capability of not less than 20 metric tons of HA–LEU per year by—

''(i) December 31, 2026; or

''(ii) the earliest operationally feasible date thereafter;

''(B) options that provide for an array of HA–LEU—

''(i) enrichment levels;

''(ii) output levels to meet demand; and

''(iii) fuel forms; and

''(C) options to establish, through a competitive process, a HA–LEU Bank—

''(i) to replenish Department stockpiles of material used in carrying out activities under subsection (c); and

''(ii) after replenishing those stockpiles, to make HA–LEU available to members of the consortium established under subsection (b)(2)(F).

''(4) APPROPRIATIONS.—In addition to amounts otherwise made available, there is appropriated to the Secretary to carry out this subsection, out of any amounts in the Treasury not otherwise appropriated, $150,000,000 for each of fiscal years 2022 through 2031.

''(e) COST RECOVERY.—

''(1) IN GENERAL.—In carrying out activities under subsections (c) and (d), the Secretary shall ensure that any HA–LEU acquired, provided, or made available under those subsections for members of the consortium established under subsection (b)(2)(F) is subject to cost recovery in accordance with subsection (b)(2)(G).

''(2) AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding section 3302 of title 31, United States Code, revenues received from the sale or transfer of fuel feed material and other activities related to making HA–LEU available pursuant to this section—

''(A) shall be available to the Department for carrying out the purposes of this section, to reduce the need for further appropriations for those purposes; and

''(B) shall remain available until expended.

''(f) EXCLUSION.—In carrying out activities under this section, the Secretary shall not make available, or provide funding for, uranium that is recovered, downblended, converted, or enriched by an entity that—

''(1) is owned or controlled by the Government of the Russian Federation or the Government of the People's Republic of China; or

''(2) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People's Republic of China.''.

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**SA 2198.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III of division D, add the following:

**SEC. 40324. NATIONAL STRATEGIC URANIUM RESERVE.**

(a) DEFINITIONS.—In this section:

(1) URANIUM RESERVE.—The term ''Uranium Reserve'' means the uranium reserve operated pursuant to the program established under subsection (b).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Under Secretary for Science and Energy.

(b) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish a program to operate a uranium reserve comprised of uranium recovered in the United States in accordance with this section.

(c) PURPOSES.—The purposes of the Uranium Reserve are—

(1) to address domestic nuclear supply chain issues;

(2) to provide assurance of the availability of uranium recovered in the United States in the event of a supply disruption; and

(3) to support strategic nuclear fuel cycle capabilities in the United States.

(d) EXCLUSION.—The Secretary shall exclude from the Uranium Reserve uranium that is recovered in the United States by an entity that—

(1) is owned or controlled by the Government of the Russian Federation or the Government of the People's Republic of China; or

(2) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People's Republic of China.

(e) APPROPRIATIONS.—In addition to amounts otherwise made available, there is appropriated to the Secretary to carry out this section, out of any amounts in the Treasury not otherwise appropriated, $150,000,000 for each of fiscal years 2022 through 2031.

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**SA 2199.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 40106 of title I of division D.

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**SA 2200.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40106(j) of title I of division D, add at the end the following:

(9) GENERATION SUBSIDY PROHIBITED.—In administering the program, the Secretary shall ensure, through the issuance of rules and the adoption of practices and by other means, and shall certify in connection with any financial commitment under the program, that the benefits of the program, including any savings in transmission costs, to

any transmission provider or transmission customer do not constitute a subsidy for electric generation of any form.

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**SA 2201.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40106(d)(4) of title I of division D, strike subparagraph (B).

In section 40106(d)(4) of title I of division D, redesignate subparagraph (C) as subparagraph (B).

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**SA 2202.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40106(d)(4) of title I of division D, strike subparagraph (B).

In section 40106(d)(4) of title I of division D, redesignate subparagraph (C) as subparagraph (B).

In section 40106(j) of title I of division D, add at the end the following:

(9) GENERATION SUBSIDY PROHIBITED.—In administering the program, the Secretary shall ensure, through the issuance of rules and the adoption of practices and by other means, and shall certify in connection with any financial commitment under the program, that the benefits of the program, including any savings in transmission costs, to any transmission provider or transmission customer do not constitute a subsidy for electric generation of any form.

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**SA 2203.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**DIVISION K—POLITICAL INFLUENCE IN AWARDS**

**SEC. _____01. POLITICAL INFLUENCE IN AWARDS.**

For each recipient of Federal funding under a division of this Act or an amendment made by a division of this Act, including a grant, loan guarantee, loan, or other award, the head of the agency or Department awarding the funding shall certify that political influence did not impact the selection of the recipient.

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**SA 2204.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division D, add the following:

**SEC. 402___. DEFINITION OF CRITICAL MINERAL.**

Section 7002(a)(3)(B) of the Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)) is amended by striking clause (i) and inserting the following:

''(i) fuel minerals (other than fuel minerals that have 1 or more non-fuel uses that are essential to economic and national security);''.

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**SA 2205.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40904(a)(1)(A) of division D, strike ''1915'' and insert ''1917''.

In section 40904(a)(1)(B) of division D, strike ''2-year period'' and insert ''3-year period''.

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**SA 2206.** Mr. WICKER (for himself, Ms. STABENOW, Mr. INHOFE, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 331, strike lines 8 through 13 and insert the following:

''(L) a project described in section 149(b)(5) that does not result in the construction of new capacity;

''(M) a project that reduces transportation emissions at port facilities, including through the advancement of port electrification; and

''(N) a project that uses pavement technologies, including designs, materials, and practices, that reduce carbon emissions and transportation emissions, as established by the Federal Highway Administration in policy guidance consistent with subsection (d)(2)(B)(iii).

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**SA 2207.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division D, add the following:

**SEC. 408____. DETECTION, IDENTIFICATION, AND MITIGATION OF TREE SPIKING DEVICES ON FEDERAL LAND.**

(a) SHORT TITLE.—This section may be cited as the ''Tree Spiking Mitigation Act''.

(b) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) National Forest System land; and

(B) land under the jurisdiction of the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) SECRETARIES.—The term ''Secretaries'' means each of—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(3) TREE SPIKING DEVICE.—The term ''tree spiking device'' means any tree spiking device described in section 1864(d)(3) of title 18, United States Code.

(c) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretaries, acting in coordination, shall take necessary actions to ensure the detection, identification, and, as the Secretaries determine to be appropriate, mitigation of tree spiking devices located on Federal land.

(2) PRIORITIZATION.—For purposes of carrying out activities under paragraph (1), the Secretaries shall prioritize areas in which—

(A) incidences of tree spiking devices have occurred; or

(B) the Secretaries suspect that there are tree spiking devices.

(3) MEMORANDA OF UNDERSTANDING.—The Secretaries may enter into memoranda of understanding for carrying out activities on Federal land under this subsection.

(4) USE OF EXISTING FUNDS.—Of amounts made available for the Office of the Secretary of the Interior and the Office of the Secretary of Agriculture that are not otherwise obligated (including amounts made available under this Act), the Secretaries shall use to carry out this subsection $10,000,000, to remain available until September 30, 2026.

(d) UPDATES TO SAFETY GUIDELINES AND TRAINING PROTOCOLS.—Not later than 90 days after the date of enactment of this Act, the Secretaries shall, where appropriate, update safety guidelines and training protocols to include the awareness, detection, identification, and mitigation of tree spiking devices.

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**SA 2208.** Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division G, add the following:

**TITLE XII—PEAKER PLANTS**

**SEC. 71201. SHORT TITLE.**

This title may be cited as the ''Promoting Energy Alternatives is Key to Emission Reductions Act of 2021'' or the ''PEAKER Act of 2021''.

**SEC. 71202. DEFINITIONS.**

In this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Finance of the Senate;

(B) the Committee on Energy and Natural Resources of the Senate;

(C) the Committee on Environment and Public Works of the Senate;

(D) the Committee on Ways and Means of the House of Representatives; and

(E) the Committee on Energy and Commerce of the House of Representatives.

(2) DISADVANTAGED COMMUNITY.—The term ''disadvantaged community'' means a community that—

(A) is located in an area with a high concentration of individuals who—

(i) are members of low- and moderate-income households (as defined in section 570.3 of title 24, Code of Federal Regulations (or a successor regulation));

(ii) experience high levels of unemployment;

(iii) face a high rent burden;

(iv) face a high energy burden;

(v) have low levels of home ownership;

(vi) have low levels of educational attainment; or

(vii) are members of groups that have historically experienced discrimination on the basis of race or ethnicity;

(B) is burdened by high cumulative environmental pollution or other hazards that can lead to negative public health effects; or

(C) is determined to be a disadvantaged community, an environmental justice community, a climate-burdened community, or an otherwise similarly vulnerable community pursuant to any Federal or State-level initiative, including any relevant mapping initiative.

(3) HIGH ENERGY BURDEN.—The term ''high energy burden'' means, with respect to a household, expenditure of the household on residential energy costs that equals 6 percent or more of the household income.

(4) PEAKER PLANT.—The term ''peaker plant'' means a fossil fuel-fired power plant or unit of a power plant that is run primarily to meet peak electricity demand, as determined by the Secretary, in coordination with the Administrator of the Environmental Protection Agency and the applicable local electrical grid operator.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

**SEC. 71203. ANNUAL REPORT ON PEAKER PLANTS IN THE UNITED STATES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary, in coordination with the Administrator of the Environmental Protection Agency, the White House Environmental Justice Advisory Council, the White House Environmental Justice Interagency Council, the Council on Environmental Quality, and any other relevant Federal entity that the Secretary determines to be appropriate, shall submit to the appropriate committees of Congress a report that—

(1) identifies each peaker plant in the United States; and

(2) for each peaker plant identified under paragraph (1)—

(A) describes the location of the peaker plant and related socioeconomic and demographic data for that location, including whether the peaker plant is located in or adjacent to a disadvantaged community;

(B) evaluates the quantity of carbon dioxide, nitric oxides, sulfur oxides, fine particulate matter ($PM_{2.5}$), and methane emitted per unit of electricity generated by the peaker plant;

(C) identifies—

(i) the total number of hours that the peaker plant generates electricity during the year covered by the report;

(ii) the capacity factor of the plant;

(iii) the average number of hours that the peaker plant generates electricity each time that the peaker plant generates electricity; and

(iv) the percentage of the total number of instances in which the peaker plant is started that result in the peaker plant generating electricity for—

(I) not less than 4 hours;

(II) not less than 8 hours; and

(III) not less than 12 hours; and

(D) identifies, for each day on which the 3 air monitors closest to the peaker plant indicate that Federal ozone or particulate matter standards have been exceeded, the percentage of peak demand met by the peaker plant for the electrical grid load zone served by the peaker plant.

(b) COMMUNITY ENGAGEMENT.—In preparing a report under subsection (a), the Secretary shall initiate and carry out public engagement with residents and stakeholders from disadvantaged communities containing a peaker plant.

**SEC. 71204. CREDIT FOR GENERATION AND STORAGE OF ENERGY FROM RENEWABLE SOURCES.**

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48C the following new section:

**''SEC. 48D. RENEWABLE ENERGY GENERATION AND STORAGE CREDIT.**

''(a) IN GENERAL.—For purposes of section 46, the renewable energy generation and storage credit for any taxable year is an amount equal to 10 percent of the qualified investment for such taxable year with respect to any qualified renewable energy facility.

''(b) QUALIFIED INVESTMENT WITH RESPECT TO QUALIFIED RENEWABLE ENERGY FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment with respect to a qualified renewable energy facility for any taxable year is the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of a qualified renewable energy facility.

''(2) QUALIFIED PROPERTY.—For purposes of this subsection, the term 'qualified property' means property—

''(A) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified renewable energy facility,

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(C) which is constructed, reconstructed, erected, installed, or acquired by the taxpayer, and

''(D) the original use of which commences with the taxpayer.

''(3) QUALIFIED RENEWABLE ENERGY FACILITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified renewable energy facility' means a facility which—

''(i) uses solar, wind, low-impact hydroelectric (as certified by the Low Impact Hydropower Institute), geothermal, tidal, or wave energy to generate electricity which will be received and stored by property described in clause (ii),

''(ii) contains property which receives, stores, and delivers electricity described in clause (i), provided that such electricity is—

''(I)(aa) sold by the taxpayer to an unrelated person, or

''(bb) in the case of a facility which is equipped with a metering device which is owned and operated by an unrelated person, sold or consumed by the taxpayer, and

''(II) at a minimum, discharged at such times as a peaker plant within the same electrical grid load zone would operate to meet peak electricity demand (as determined by the grid operator for such electrical grid), and

''(iii) which is placed in service—

''(I) in a disadvantaged community which is located within—

''(aa) the same census tract as a peaker plant, or

''(bb) a census tract that is adjacent to a census tract in which a peaker plant is located, and

''(II) after December 31, 2021.

''(B) SPECIAL RULE.—For purposes of this paragraph, a facility shall not be deemed to be a qualified renewable energy facility unless the taxpayer demonstrates, to the satisfaction of the Secretary, that—

''(i) the property described in clause (i) of subparagraph (A) is co-located with property described in clause (ii) of such subparagraph,

''(ii) such taxpayer has, with respect to the property described in clause (ii) of such subparagraph, entered into a contract which ensures that such property operates primarily to receive, store, and deliver electricity from any property described in clause (i) of such subparagraph, or

''(iii) the property described in clause (ii) of such subparagraph receives electricity during periods of typically high production of electricity, as a percentage of the grid generation mix, from sources described in clause (i) of such subparagraph, as determined by the grid operator for the electrical grid.

''(c) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

''(d) DEFINITIONS.—The terms 'disadvantaged community' and 'peaker plant' have the same meanings given such term under section 71202 of the PEAKER Act of 2021.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 46 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''and'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting '', and''; and

(C) by adding at the end the following new paragraph:

''(7) the renewable energy generation and storage credit.''.

(2) Section 49(a)(1)(C) of such Code is amended—

(A) by striking ''and'' at the end of clause (iv);

(B) by striking the period at the end of clause (v) and inserting '', and''; and

(C) by adding at the end the following new clause:

''(vi) the basis of any qualified property which is part of a qualified renewable energy facility under section 48D.''.

(3) Section 50(a)(2)(E) of such Code is amended by striking ''or 48C(b)(2)'' and inserting ''48C(b)(2), or 48D(c)''.

(4) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48C the following new item:

''48D. Renewable energy generation and storage credit.''.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2020, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SEC. 71205. RENEWABLE ENERGY GRANT PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means each of the following:

(A) A unit of State or local government.

(B) A tax-exempt nonprofit organization.

(C) A community-owned energy generation facility or energy storage facility located in a disadvantaged community.

(D) A community-based energy cooperative or a similar group of individuals within a community who are pursuing an eligible project described in subsection (d).

(E) A partnership between—

(i) 1 or more of the entities described in subparagraphs (A) through (D); and

(ii)(I) an electric utility; or

(II) a private entity.

(2) ENERGY STORAGE FACILITY.—The term ''energy storage facility'' means a facility that receives, stores, and delivers electricity.

(3) PROGRAM.—The term ''program'' means the grant program established under subsection (b).

(4) QUALIFYING COMMUNITY ENERGY PROPOSAL.—The term ''qualifying community energy proposal'' means a proposal to deploy and implement renewable energy generation, energy storage technology, energy efficiency upgrades, energy demand management strategies, or distributed renewable energy resources that a qualifying community energy study determines can reduce the runtime of an existing or planned peaker plant or otherwise reduce or replace the need for an existing or planned peaker plant.

(5) QUALIFYING COMMUNITY ENERGY STUDY.—The term ''qualifying community energy study'' means a study or assessment that—

(A) seeks to identify clean energy strategies to reduce the runtime of an existing or planned peaker plant or otherwise reduce or replace the need for an existing or planned peaker plant, including strategies that involve—

(i) renewable energy generation;

(ii) energy storage technology;

(iii) energy efficiency upgrades;

(iv) energy demand management strategies; or

(v) distributed renewable energy deployment; and

(B) is led by or performed in partnership with the communities directly impacted by pollution from a peaker plant that is located within the same or an adjacent census tract.

(6) QUALIFYING ENERGY STORAGE FACILITY.—The term ''qualifying energy storage facility'' means an energy storage facility that—

(A) is colocated with a qualifying renewable energy facility and operates primarily to receive, store, and deliver renewable energy generated by that qualifying renewable energy facility;

(B) has entered into a contract with 1 or more qualifying renewable energy facilities such that the energy storage system operates primarily to receive, store, and deliver renewable energy generated by those qualifying renewable energy facilities; or

(C) receives electricity during periods of typically high production of renewable energy (as a percentage of the grid generation mix), as determined by the operator of the applicable electrical grid.

(7) QUALIFYING RENEWABLE ENERGY FACILITY.—The term ''qualifying renewable energy facility'' means a facility that—

(A) generates renewable energy; and

(B)(i) is colocated with a qualifying energy storage facility; or

(ii) has entered into a contract described in paragraph (6)(B) with 1 or more qualifying energy storage facilities.

(8) RENEWABLE ENERGY.—The term ''renewable energy'' means electricity that is generated by or derived from, as applicable—

(A) a low-impact hydroelectric facility certified by the Low Impact Hydropower Institute;

(B) solar energy;

(C) wind energy;

(D) geothermal energy;

(E) tidal energy; or

(F) wave energy.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a grant program to assist eligible entities in—

(1) carrying out projects for the construction, reconstruction, erection, installation, or acquisition of qualifying renewable energy facilities and qualifying energy storage facilities;

(2) carrying out projects for the implementation of qualifying community energy proposals; and

(3) developing and carrying out qualifying community energy studies.

(c) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) ELIGIBLE PROJECTS AND QUALIFYING COMMUNITY ENERGY STUDIES.—The Secretary may provide a grant under the program for—

(1) a project described in subsection (b)(1) only if each qualifying renewable energy facility and qualifying energy storage facility to be constructed, reconstructed, erected, installed, or acquired pursuant to the project will—

(A) be located in, or provide a direct and significant benefit to, a disadvantaged community that is located within—

(i) the same census tract as an existing or planned peaker plant; or

(ii) a census tract that is adjacent to a census tract in which an existing or planned peaker plant is or will be located; and

(B) at a minimum, discharge electricity at such times as a peaker plant within the same electrical grid load zone would operate to meet peak electricity demand, as determined by the operator of the applicable electrical grid;

(2) a project described in subsection (b)(2) only if the qualifying community energy proposal to be implemented pursuant to the project will be implemented in, or provide a direct and significant benefit to, a disadvantaged community that is located within a census tract described in clause (i) or (ii) of paragraph (1)(A); and

(3) the development and carrying out of a qualifying community energy study only if the qualifying community energy study will provide for engagement with, and incorporate feedback from, each disadvantaged community that is located within a census tract described in clause (i) or (ii) of paragraph (1)(A).

(e) TECHNICAL ASSISTANCE GRANTS.—The Secretary may use amounts appropriated under subsection (i) to provide grants to eligible entities for the cost of acquiring technical assistance for the preparation and submission of an application under subsection (c).

(f) PRIORITY FOR CERTAIN ELIGIBLE ENTITIES.—In evaluating applications submitted by eligible entities described in subsection (a)(1)(B), the Secretary shall give priority to applications submitted by local, community-based organizations or energy cooperatives.

(g) COST SHARING.—

(1) IN GENERAL.—Except as provided in paragraph (2), with respect to each project described in paragraph (1) or (2) of subsection (b) for which a grant is provided under the program, the maximum amount provided for the project under the program shall not exceed 60 percent of the total cost incurred by the applicable eligible entity for, as applicable—

(A) the construction, reconstruction, erection, installation, or acquisition of the applicable qualifying renewable energy facility or qualifying energy storage facility; or

(B) the implementation of the applicable qualifying community energy proposal.

(2) LOCAL, COMMUNITY-BASED ORGANIZATIONS AND ENERGY COOPERATIVES.—With respect to a project described in paragraph (1) that is carried out by, or for which an application is submitted by, a local, community-based organization or an energy cooperative, the maximum amount provided for the project under the program shall not exceed 80 percent of the total cost incurred by the local, community-based organization or energy cooperative for the activities described in subparagraph (A) or (B) of that paragraph, as applicable.

(h) COMMUNITY ENGAGEMENT.—In carrying out this section, the Secretary shall initiate and carry out public engagement, particularly with residents and stakeholders from disadvantaged communities and communities in or adjacent to areas with existing peaker plants identified in a report under section 71203(a), to ensure that—

(1)(A) the public has input into the formulation of the program; and

(B) based on that input, the program best addresses the needs and circumstances of disadvantaged communities; and

(2) the public has information relating to the program, including—

(A) the benefits of, and opportunities for, eligible projects under the program; and

(B) the ways in which disadvantaged communities can best use the program to address the clean energy goals of those disadvantaged communities.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program not more than $1,000,000,000 for each of fiscal years 2022 through 2032.

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**SA 2209.** Mr. CORNYN (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI of division G, insert the following:

**Subtitle C—National Cybersecurity Preparedness Consortium Act**

**SEC. 70621. SHORT TITLE.**

This subtitle may be cited as the ''National Cybersecurity Preparedness Consortium Act of 2021''.

**SEC. 70622. DEFINITIONS.**

In this subtitle—

(1) the term ''consortium'' means a group primarily composed of nonprofit entities, including academic institutions, that develop, update, and deliver cybersecurity training in support of homeland security;

(2) the terms ''cybersecurity risk'' and ''incident'' have the meanings given those terms in section 2209(a) of the Homeland Security Act of 2002 (6 U.S.C. 659(a));

(3) the term ''Department'' means the Department of Homeland Security; and

(4) the term ''Secretary'' means the Secretary of Homeland Security.

**SEC. 70623. NATIONAL CYBERSECURITY PREPAREDNESS CONSORTIUM.**

(a) IN GENERAL.—The Secretary may work with a consortium to support efforts to address cybersecurity risks and incidents.

(b) ASSISTANCE TO THE NCCIC.—The Secretary may work with a consortium to assist the national cybersecurity and communications integration center of the Department (established under section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659)) to—

(1) provide training to State and local first responders and officials specifically for preparing for and responding to cybersecurity risks and incidents, in accordance with applicable law;

(2) develop and update a curriculum utilizing existing programs and models in accordance with such section 2209, for State and local first responders and officials, related to cybersecurity risks and incidents;

(3) provide technical assistance services to build and sustain capabilities in support of preparedness for and response to cybersecurity risks and incidents, including threats of terrorism and acts of terrorism, in accordance with such section 2209;

(4) conduct cross-sector cybersecurity training and simulation exercises for entities, including State and local governments, critical infrastructure owners and operators, and private industry, to encourage community-wide coordination in defending against and responding to cybersecurity risks and incidents, in accordance with section 2210(c) of the Homeland Security Act of 2002 (6 U.S.C. 660(c));

(5) help States and communities develop cybersecurity information sharing programs, in accordance with section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), for the dissemination of homeland security information related to cybersecurity risks and incidents; and

(6) help incorporate cybersecurity risk and incident prevention and response into existing State and local emergency plans, including continuity of operations plans.

(c) CONSIDERATIONS REGARDING SELECTION OF A CONSORTIUM.—In selecting a consortium with which to work under this subtitle, the Secretary shall take into consideration the following:

(1) Any prior experience conducting cybersecurity training and exercises for State and local entities.

(2) Geographic diversity of the members of any such consortium so as to cover different regions throughout the United States.

(d) METRICS.—If the Secretary works with a consortium under subsection (a), the Secretary shall measure the effectiveness of the activities undertaken by the consortium under this subtitle.

(e) OUTREACH.—The Secretary shall conduct outreach to universities and colleges, including historically Black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, and other minority-serving institutions, regarding opportunities to support efforts to address cybersecurity risks and incidents, by working with the Secretary under subsection (a).

**SEC. 70624. RULE OF CONSTRUCTION.**

Nothing in this subtitle may be construed to authorize a consortium to control or direct any law enforcement agency in the exercise of the duties of the law enforcement agency.

**SA 2210.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division I, add the following:

**SEC. 90009. EMERGENCY ASSISTANCE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

(a) IN GENERAL.—In addition to amounts otherwise appropriated, out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated to the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5170 et seq.) related to Hurricanes Laura, Delta, and Zeta, $1,100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(b) DEPOSIT OF C-BAND SPECTRUM AUCTION PROCEEDS IN TREASURY.—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking ''and (G)'' and inserting ''(G), and (H)'';

(2) in subparagraph (C)(i), by striking ''and (G)'' and inserting ''(G), and (H)''; and

(3) by adding at the end the following:

''(H) C-BAND AUCTION PROCEEDS.—Notwithstanding subparagraph (A), and except as provided in subparagraph (B), of the proceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding under this subsection to award licenses in the band of frequencies between 3700 megahertz and 3980 megahertz (designated by the Commission as 'Auction 107'), $1,100,000,000 shall be deposited in the general fund of the Treasury and used for emergency assistance under section 90009(a) of the Infrastructure Investment and Jobs Act.''.

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**SA 2211.** Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 23018.

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**SA 2212.** Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 23022.

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**SA 2213.** Mr. BLUMENTHAL (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 24205 and insert the following:

**SEC. 24205. RULEMAKING TO INSTALL AUTOMATIC SHUTOFF SYSTEMS AND ROLLAWAY PREVENTION TECHNOLOGY IN MOTOR VEHICLES.**

(a) DEFINITIONS.—In this section:

(1) ELECTRIC VEHICLE.—

(A) IN GENERAL.—The term ''electric vehicle'' means a vehicle that—

(i) does not include an engine; and

(ii) is powered solely by an external source of electricity, solar power, or both.

(B) EXCLUSION.—The term ''electric vehicle'' does not include an electric hybrid vehicle that uses a chemical fuel, such as gasoline or diesel fuel.

(2) KEY.—The term ''key'' has the meaning given the term in section 571.114 of title 49, Code of Federal Regulations (or a successor regulation).

(3) MANUFACTURER.—The term ''manufacturer'' has the meaning given the term in section 30102(a) of title 49, United States Code.

(4) MOTOR VEHICLE.—

(A) IN GENERAL.—The term ''motor vehicle'' has the meaning given the term in section 30102(a) of title 49, United States Code.

(B) EXCLUSIONS.—The term ''motor vehicle'' does not include—

(i) a motorcycle or trailer (as those terms are defined in section 571.3 of title 49, Code of Federal Regulations) (or a successor regulation);

(ii) any motor vehicle with a gross vehicle weight rating of more than 10,000 pounds; or

(iii) for purposes of subsection (b), a battery electric vehicle.

(b) AUTOMATIC SHUTOFF SYSTEMS FOR MOTOR VEHICLES.—

(1) FINAL RULE.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a final rule amending section 571.114 of title 49, Code of Federal Regulations, to require manufacturers to install in each motor vehicle that is equipped with a keyless ignition device and an internal combustion engine technology to automatically shut off the motor vehicle after the motor vehicle has idled for the period designated under subparagraph (B).

(B) PERIOD DESCRIBED.—

(i) IN GENERAL.—The period referred to in subparagraph (A) is the period designated by the Secretary as necessary to prevent carbon monoxide poisoning.

(ii) DIFFERENT PERIODS.—The Secretary may designate different periods under clause (i) for different types of motor vehicles, depending on the rate at which the motor vehicle emits carbon monoxide, if—

(I) the Secretary determines a different period is necessary for a type of motor vehicle

for purposes of section 30111 of title 49, United States Code; and

(II) requiring a different period for a type of motor vehicle is consistent with the prevention of carbon monoxide poisoning.

(2) DEADLINE.—The rule under paragraph (1) shall become effective not later than 2 years after the date on which the Secretary issues such rule.

(c) PREVENTING MOTOR VEHICLES FROM ROLLING AWAY.—

(1) REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a final rule amending part 571 of title 49, Code of Federal Regulations, to require manufacturers to install technology to prevent movement of motor vehicles equipped with keyless ignition devices and automatic transmissions if—

(A) the transmission of the motor vehicle is not in the park setting;

(B) the motor vehicle does not exceed the speed determined by the Secretary under paragraph (2);

(C) the seat belt of the operator of the motor vehicle is unbuckled;

(D) the service brake of the motor vehicle is not engaged; and

(E) the door for the operator of the motor vehicle is open.

(2) DETERMINATION.—The Secretary shall determine the maximum speed at which a motor vehicle may be safely locked in place under the conditions described in subparagraphs (A), (C), (D), and (E) of paragraph (1) to prevent motor vehicle rollaways.

(3) DEADLINE.—The rule under paragraph (1) shall become effective not later than 2 years after the date on which the Secretary issues the rule.

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**SA 2214.** Mr. BLUMENTHAL (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 24222 and insert the following:

**SEC. 24222. SAFETY WARNING FOR OCCUPANTS OF HOT CARS.**

(a) OCCUPANT SAFETY.—

(1) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code (as amended by section 24208(a)), is amended by adding at the end the following:

**"§ 30130. Occupant safety**

''(a) DEFINITIONS.—In this section:

''(1) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' has the meaning given the term in section 32101.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(b) RULEMAKING.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue a final rule prescribing a motor vehicle safety standard that requires all new passenger motor vehicles with a gross vehicle weight rating of 10,000 pounds or less to be equipped with a system that—

''(1) detects the presence of an unattended occupant in the passenger compartment of the vehicle; and

''(2) engages a warning to reduce death and injury resulting from vehicular heatstroke, particularly incidents involving children.

''(c) LIMITATION ON CAPABILITY OF BEING DISABLED.—The motor vehicle safety standard prescribed under subsection (b) shall require that the system described in that subsection cannot be disabled, overridden, reset, or recalibrated in such a way that the system will no longer detect the presence of an unattended occupant in the passenger compartment of the vehicle and engage a warning.

''(d) MEANS.—

''(1) IN GENERAL.—The warning required under the motor vehicle safety standard prescribed under subsection (b) shall include a distinct auditory and visual warning to notify individuals inside and outside of the passenger motor vehicle of the presence of an unattended occupant, which shall be combined with an interior haptic warning.

''(2) CONSIDERATION.—In developing the warning referred to in paragraph (1), the Secretary shall also consider including a secondary additional warning—

''(A) to notify—

''(i) operators that are not in close proximity to the vehicle; and

''(ii) emergency responders; and

''(B) to provide the geographical location of the passenger motor vehicle in a manner that allows for an emergency response.

''(e) COMPLIANCE DEADLINE.—The rule issued pursuant to subsection (b) shall require full compliance with the motor vehicle safety standard prescribed in the rule not later than 2 years after the date on which the final rule is issued.''.

(2) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 301 of title 49, United States Code (as amended by section 24208(b)), is amended by adding at the end the following:

''30130. Occupant safety.''.

(b) STUDY.—

(1) DEFINITIONS.—In this subsection:

(A) CHILD RESTRAINT SYSTEM.—The term ''child restraint system'' has the meaning given the term in section 571.213 of title 49, Code of Federal Regulations (or a successor regulation).

(B) INDEPENDENT THIRD PARTY.—The term ''independent third party'' means a person that does not receive any direct financial assistance from a manufacturer (as defined in section 30102(a) of title 49, United States Code), that produces or supplies—

(i) equipment for the systems mandated in section 30130 of title 49, United States Code (as added by subsection (a)(1)); or

(ii) child restraint systems.

(C) PASSENGER MOTOR VEHICLE.—The term ''passenger motor vehicle'' has the meaning given the term in section 32101 of title 49, United States Code.

(2) INDEPENDENT STUDY.—

(A) CONTRACT.—Not later than 90 days after the date on which a final rule is issued pursuant to section 30130(b) of title 49, United States Code (as added by subsection (a)(1)), and every 2 years thereafter, the Secretary shall enter into a contract with an independent third party to conduct the study described under subparagraph (B).

(B) STUDY.—

(i) IN GENERAL.—Under the contract between the Secretary and an independent third party under subparagraph (A), the independent third party shall carry out a study on retrofitting passenger motor vehicles introduced into interstate commerce before the effective date of the rule required pursuant to section 30130(b) of title 49, United States Code (as added by subsection (a)(1)), with technologies and products that meet the safety need addressed by the motor vehicle safety standard prescribed under that section.

(ii) ELEMENTS.—In carrying out the study required under clause (i), the independent third party shall—

(I) identify technologies and products—

(aa) manufactured for use in passenger motor vehicles introduced into interstate commerce before the effective date of the rule required by section 30130(b) of title 49, United States Code (as added by subsection (a)(1)); and

(bb) that reduce death and injury resulting from vehicular heatstroke, particularly incidents involving children; and

(II) make recommendations for manufacturers of such technologies and products to undergo a functional safety performance assessment to ensure that the technologies and products perform as designed by the manufacturer under a variety of real-world conditions.

(3) PUBLICATION; PUBLIC COMMENT.—Not later than 2 years after the date on which the Secretary enters into a contract under paragraph (2)(A), and every 2 years thereafter, the Secretary shall—

(A) publish the results of the study required under paragraph (2)(B) in the Federal Register; and

(B) provide a period for public comment of not longer than 90 days after the date on which the results of the study are published pursuant to subparagraph (A).

(4) CONSUMER INFORMATION.—Not later than 120 days after expiration of the public comment period described under paragraph (2)(B) and on review of the public comments, the Secretary shall provide information for consumers through the website of the National Highway Traffic Safety Administration on the performance of the technologies and products described in paragraph (2)(B)(ii) to retrofit existing passenger motor vehicles.

(5) SUBMISSION TO CONGRESS.—On issuance of the recommendations required under paragraph (2)(B)(ii)(II), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives the study and recommendations required by paragraph (2)(B)(ii)(II), including any public comment received under paragraph (3)(B).

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**SA 2215.** Mr. THUNE (for himself and Mrs. BLACKBURN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 90008 and insert the following:

**SEC. 90008. 3.1–3.45 GHZ BAND.**

(a) IDENTIFICATION AND AUCTION.—The Federal Communications Commission (referred to in this section as the ''Commission''), in consultation with the Assistant Secretary of Commerce for Communications and Information, shall—

(1) not later than December 31, 2022, identify 350 megahertz of electromagnetic spectrum in the frequencies between 3100 and 3450 megahertz to be made available for shared Federal and non-Federal commercial licensed use, subject to flexible-use service rules that are consistent with the rules for the band of frequencies between 3450 and 3550 megahertz established in the Second Report and Order in the matter of Facilitating

Shared Use in the 3100-3550 MHz Band adopted by the Commission on March 17, 2021 (FCC 21–32; WT Docket No. 19–348) that permit full-power commercial licensed use of that band; and

(2) not earlier than November 30, 2024, and not later than 10 years after the date of enactment of this Act, complete a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new licenses for the spectrum identified under paragraph (1) of this subsection.

(b) TIMING OF AUCTION.—Notwithstanding section 309(j)(7) of the Communications Act of 1934 (47 U.S.C. 309(j)(7)), the Commission shall conduct the system of competitive bidding required under subsection (a)(2) of this section at a time during the period described in that subsection that will maximize the proceeds generated by the system of competitive bidding.

(c) CLEARING OF SPECTRUM.—Not later than 1 year after the date on which the system of competitive bidding required under subsection (a)(2) is completed, the President shall withdraw or modify any assignment to a Federal Government station of the frequencies identified under subsection (a)(1) in order to accommodate shared Federal and non-Federal commercial licensed use in accordance with subsection (a)(1).

(d) FCC AUCTION AUTHORITY.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by inserting after ''2025'' the following: '', and with respect to the electromagnetic spectrum identified under section 90008(a)(1) of the Infrastructure Investment and Jobs Act, such authority shall expire on the date that is 10 years after the date of enactment of that Act''.

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**SA 2216.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 60102 and insert the following:

**SEC. 60102. RURAL CONNECTIVITY ADVANCEMENT PROGRAM.**

(a) SHORT TITLE.—This section may be cited as the ''Rural Connectivity Advancement Program Act of 2021''.

(b) DEPOSIT OF SPECTRUM AUCTION PROCEEDS IN RURAL BROADBAND ASSESSMENT AND DEPLOYMENT FUND.—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking ''and (G)'' and inserting ''(G), and (H)''; and

(2) by adding at the end the following:

''(H) CERTAIN PROCEEDS DESIGNATED FOR RURAL BROADBAND ASSESSMENT AND DEPLOYMENT FUND.—

''(i) ASSESSMENT AND DEPLOYMENT SETASIDE.—Notwithstanding subparagraph (A), and except as provided in subparagraphs (B), (D), (E), (F), and (G), 10 percent of the net proceeds from each use of a system of competitive bidding under this subsection that is mandated by an Act of Congress and that begins on or after the date of enactment of the Rural Connectivity Advancement Program Act of 2021 shall be deposited in the Rural Broadband Assessment and Deployment Fund established under subsection (c) of that Act.

''(ii) DEFINITION.—For purposes of this subparagraph, the term 'net proceeds', with respect to the use of a system of competitive bidding, means the proceeds remaining after subtracting all auction-related expenditures, including—

''(I) relocation payments, including accelerated relocation payments;

''(II) payments to incumbent licensees for the relinquishment of all or a portion of the spectrum usage rights of those licensees;

''(III) costs associated with the reallocation of spectrum, whether on an exclusive or shared use basis;

''(IV) relocation or sharing costs, including for planning for relocation or sharing; and

''(V) bidding credits.''.

(c) DIRECTION AND USE OF RURAL BROADBAND ASSESSMENT AND DEPLOYMENT FUND PROCEEDS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Commission'' means the Federal Communications Commission;

(B) the term ''high-cost programs'' means—

(i) the program for Universal Service Support for High-Cost Areas set forth under subpart D of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(ii) the Rural Digital Opportunity Fund set forth under subpart J of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(iii) the Interstate Common Line Support Mechanism for Rate-of-Return Carriers set forth under subpart K of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(iv) the Mobility Fund set forth under subpart L of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(v) the High Cost Loop Support for Rate-of-Return Carriers program set forth under subpart M of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(vi) the Uniendo a Puerto Rico Fund and the Connect USVI Fund set forth under subpart O of part 54 of title 47, Code of Federal Regulations, or any successor regulations; and

(vii) the Rural Broadband Experiments, as established by the Commission under part 54 of title 47, Code of Federal Regulations;

(C) the term ''net proceeds'' has the meaning given the term in subparagraph (H) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), as added by subsection (b); and

(D) the term ''Rural Broadband Assessment and Deployment Fund'' means the fund established under paragraph (2).

(2) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund to be known as the ''Rural Broadband Assessment and Deployment Fund''.

(3) BORROWING AUTHORITY.—

(A) IN GENERAL.—With respect to any auction described in subparagraph (H)(i) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), as added by subsection (b), on or after the date on which the Commission makes a final determination of the amount of net proceeds that will be deposited in the Rural Broadband Assessment and Deployment Fund under such subparagraph (H)(i) as a result of that auction, the Commission may borrow not more than that amount from the Treasury of the United States.

(B) REIMBURSEMENT.—The Commission shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under subparagraph (A) as funds are deposited into the Rural Broadband Assessment and Deployment Fund.

(4) AVAILABILITY OF AMOUNTS.—Any amounts borrowed under paragraph (3)(A) and any amounts in the Rural Broadband Assessment and Deployment Fund that are not necessary for reimbursement of the general fund of the Treasury for such borrowed amounts shall be available to the Commission for use in accordance with paragraph (5).

(5) USE OF AMOUNTS.—

(A) ESTABLISHMENT OF PROGRAM OR PROGRAMS.—The Commission shall use the amounts made available under paragraph (4) to establish 1 or more programs that are separate from, but are coordinated with and complement, the high-cost programs to address—

(i) gaps that remain in broadband internet access service coverage in high-cost rural areas despite the operations of the high-cost programs; and

(ii) shortfalls in sufficient funding of the high-cost programs that could adversely affect the sustainability of services or reasonable comparability of rates that are supported by those programs.

(B) PURPOSES.—In carrying out subparagraph (A), the Commission shall use amounts made available under paragraph (4) in an efficient and cost-effective manner only—

(i) for the assessment of, and to provide subsidies in a technology-neutral manner through a competitive process (subject to weighting preferences for performance quality and other service metrics as the Commission may find appropriate) to providers for support of, deployment of broadband-capable infrastructure in high-cost rural areas that the Commission determines are unserved by fixed terrestrial broadband internet access service at a download speed of not less than 25 megabits per second and an upload speed of not less than 3 megabits per second (or such higher speed as the Commission may determine appropriate based upon an evolving definition of universal service); and

(ii) to assess, and provide subsidies to providers to enable providers to sustain, broadband internet access service in any rural area in which—

(I) not more than 1 provider of fixed terrestrial broadband internet access service operates; and

(II) the high-cost nature of the area precludes the offering of voice service and broadband internet access service at rates and performance levels available in urban areas as determined by the Urban Rate Survey conducted by the Commission.

(C) TRIBAL CONSIDERATIONS.—In distributing amounts under this paragraph, the Commission shall consider the broadband internet access service needs of residents of Tribal lands (as defined in section 54.400 of title 47, Code of Federal Regulations, or any successor regulation).

(D) LIMITATIONS.—

(i) PROHIBITION ON FUNDING OTHER PROGRAMS.—

(I) IN GENERAL.—The Commission may not use amounts made available under paragraph (4) to fund any program that was not established by the Commission under subparagraph (A) of this paragraph, including any program established under section 254 of the Communications Act of 1934 (47 U.S.C. 254) in effect on the date of enactment of this Act, except for using the Universal Service Administrative Company to administer funding.

(II) RULE OF CONSTRUCTION.—Nothing in subclause (I) shall be construed to prohibit the Commission from using amounts made available under paragraph (4) to supplement the provision of support under the high-cost programs, as authorized under subparagraph (A)(ii) of this paragraph.

(ii) TRANSPARENCY AND ACCOUNTABILITY FOR ADDRESSING GAPS IN COVERAGE.—The Commission shall establish transparency and accountability requirements for amounts made available for the purpose set forth in subparagraph (A)(i) that, at a minimum—

(I) provide—

(aa) a process for challenging any initial determination by the Commission regarding whether an area is served or unserved; and

(bb) written public notice on the website of the Commission of—

(AA) how each challenge under item (aa) was decided; and

(BB) the reasons of the Commission for each decision;

(II) establish broadband service buildout milestones and require periodic certification by funding recipients to ensure compliance with the broadband service buildout milestones;

(III) establish a maximum buildout timeframe of 4 years beginning on the date on which funding is provided to a funding recipient;

(IV) establish periodic reporting requirements for funding recipients that identify, at a minimum, the speed of, and technology used for, the service provided in each area where funding is provided;

(V) establish standard penalties for noncompliance with the requirements established under this clause and as may be further prescribed by the Commission;

(VI) establish procedures for recovery of funds, in whole or in part, from funding recipients in the event of default or noncompliance with the requirements established under this clause and as may be further prescribed by the Commission; and

(VII) require a funding recipient to—

(aa) offer voice service and broadband internet access service; and

(bb) permit a consumer to subscribe to one type of service described in item (aa) or both types.

(iii) TRANSPARENCY AND ACCOUNTABILITY FOR ADDRESSING SHORTFALLS IN FUNDING.—The Commission shall establish transparency and accountability requirements for amounts made available for the purpose set forth in subparagraph (A)(ii) that, at a minimum—

(I) establish periodic reporting and certification requirements for funding recipients to ensure that the funding results in the offering of voice service and broadband internet access service at reasonably comparable rates and performance levels;

(II) establish standard penalties for noncompliance with the requirements established under this clause and as may be further prescribed by the Commission;

(III) establish procedures for recovery of funds, in whole or in part, from funding recipients in the event of default or noncompliance with the requirements established under this clause and as may be further prescribed by the Commission; and

(IV) require a funding recipient to—

(aa) offer voice service and broadband internet access service; and

(bb) permit a consumer to subscribe to one type of service described in item (aa) or both types.

(6) REPORTS.—

(A) ANNUAL AUCTION PROCEEDS DEPLOYMENT REPORT.—Not later than 270 days after the date of enactment of this Act, and not less frequently than annually thereafter until all amounts have been distributed, the Commission shall publish and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the distribution of amounts made available under paragraph (4).

(B) AUCTION-SPECIFIC DEPOSIT REPORTS.—Not later than 30 days after the date on which the Commission announces the results of an auction described in subparagraph (H)(i) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), as added by subsection (b), the Commission shall publish and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that estimates the amount of net proceeds that will be deposited in the Rural Broadband Assessment and Deployment Fund under that subparagraph as a result of that auction.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Rural Broadband Assessment and Deployment Fund $42,450,000,000.

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**SA 2217.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1287, strike line 22 and all that follows through page 1288, line 3, and insert the following:

''(A) $13,434,000,000 for fiscal year 2022;

''(B) $13,719,000,000 for fiscal year 2023;

''(C) $14,079,000,000 for fiscal year 2024;

''(D) $14,374,000,000 for fiscal year 2025; and

''(E) $14,742,000,000 for fiscal year 2026.

On page 1289, strike lines 3 through 11 and insert the following:

''(D) $450,000,000 for fiscal year 2022, $463,500,000 for fiscal year 2023, $477,405,000 for fiscal year 2024, $491,727,150 for fiscal year 2025, and $506,478,965 for fiscal year 2026 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

On page 1317, between lines 18 and 19, insert the following:

**SEC. 30_____. ACCESSIBLE TRANSPORTATION IMPROVEMENTS FOR INDIVIDUALS WITH DISABILITIES.**

(a) ONE-STOP PARATRANSIT PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a one-stop paratransit pilot program.

(2) PURPOSE.—The purpose of the pilot program under this subsection is to develop or expand paratransit programs carried out pursuant to the ADA to provide for 1 stop of at least 15 minutes outside of the vehicle during a paratransit trip to prevent long wait times between multiple trips that unduly limit an individual's ability to complete essential tasks.

(3) ELIGIBLE ENTITIES.—

(A) IN GENERAL.—An entity eligible to participate in the pilot program is a transit agency that agrees to track and share information as the Secretary requires, including—

(i) number of ADA paratransit trips conducted each year;

(ii) requested time of each paratransit trip;

(iii) scheduled time of each paratransit trip;

(iv) actual pickup time for each paratransit trip;

(v) average length of a stop in the middle of a ride as allowed by this section;

(vi) any complaints received by a paratransit rider;

(vii) rider satisfaction with paratransit services; and

(viii) after the completion of the pilot program, an assessment by the eligible entity of its capacity to continue a one-stop program independently.

(B) PREFERENCE.—The Secretary shall give preference to entities that—

(i) have comparable data for the year prior to implementation of the pilot program that can be used by the Secretary and other organizations, such as nonprofit organizations and advocacy organizations, for research purposes; and

(ii) plan to use agency personnel to implement the pilot program.

(4) APPLICATION.—To be eligible to participate in the pilot program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information on—

(A) locations the eligible entity intends to allow a stop at, if stops are limited, including—

(i) childcare or education facilities;

(ii) pharmacies;

(iii) grocery stores; and

(iv) bank or ATM locations;

(B) methodology for informing the public of the pilot program;

(C) vehicles, personnel, and other resources that will be used to implement the pilot program; and

(D) if the applicant does not intend the pilot program to apply to the full area under the jurisdiction of the applicant, a description of the geographic area in which the applicant intends the pilot program to apply.

(5) SELECTION.—The Secretary shall seek to achieve diversity of participants in the pilot program by selecting a range of eligible entities that includes at least 5 of each of the following:

(A) An eligible entity that serves an area with a population of 200,000 people or fewer.

(B) An eligible entity that serves an area with a population of over 200,000 people.

(C) An eligible entity that provides transportation for rural communities.

(6) REPORT.—Not later than 3 months after the conclusion of the first 15 pilot projects carried out under this subsection, the Secretary shall submit to Congress a report on the results of the program, including the feasibility of developing and implementing one-stop programs for all ADA paratransit services.

(7) FUNDING.—

(A) FEDERAL SHARE.—The Federal share of the total cost of a project carried out under this subsection may not exceed 80 percent.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $75,000,000 for each of fiscal years 2022 through 2026.

(b) PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board, pursuant to section 502(b)(3) of the Rehabilitation Act of 1973 (29 U.S.C. 792(b)(3)), shall publish final accessibility guidelines setting forth minimum standards for pedestrian facilities in the public right-of-way, including shared use paths.

(2) ADOPTION OF REGULATIONS.—Not later than 180 days after the establishment of the guidelines pursuant to paragraph (1), the Secretary shall issue such regulations as are necessary to adopt such guidelines.

(c) REPORTING ACCESSIBILITY COMPLAINTS.—

(1) IN GENERAL.—The Secretary shall ensure that an individual who believes that he

or she or a specific class of individuals has been subjected to discrimination on the basis of disability by a public entity may, by himself or herself or by an authorized representative, easily file a complaint with the Department. Not later than 1 year after the date of enactment of this Act, the Secretary shall implement procedures that allow an individual to submit a complaint described in the previous sentence by phone, by mail-in form, and online through the website of the Office of Civil Rights of the Federal Transit Administration.

(2) NOTICE TO INDIVIDUALS WITH DISABILITIES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall require that each public transit provider and contractor providing paratransit services shall include on a publicly available website of the service provider, any related mobile device application, and online service—

(A) the telephone number, or a comparable electronic means of communication, for the disability assistance hotline of the Office of Civil Rights of the Federal Transit Administration;

(B) notice that a consumer can file a disability-related complaint with the Office of Civil Rights of the Federal Transit Administration;

(C) an active link to the website of the Office of Civil Rights of the Federal Transit Administration for an individual to file a disability-related complaint; and

(D) notice that an individual can file a disability-related complaint with the local transit agency and the process and any timelines for filing such a complaint.

(3) INVESTIGATION OF COMPLAINTS.—Not later than 60 days after the last day of each fiscal year the Secretary shall publish a report that lists the disposition of complaints described in paragraph (1), including—

(A) the number and type of complaints filed with Department;

(B) the number of complaints investigated by the Department;

(C) the result of the complaints that were investigated by the Department including whether the complaint was resolved—

(i) informally;

(ii) by issuing a violation through a noncompliance Letter of Findings; or

(iii) by other means, which shall be described in detail; and

(D) if a violation was issued for a complaint, whether the Department resolved the noncompliance by—

(i) reaching a voluntary compliance agreement with the entity;

(ii) referring the matter to the Attorney General; or

(iii) by other means, which shall be described in detail.

(4) REPORT.—Upon implementation of this subsection, the Secretary shall, to the extent practicable, issue a report composed of the information collected under this subsection for the preceding 5 years.

(d) ACCESSIBILITY DATA PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish an accessibility data pilot program.

(2) PURPOSE.—In carrying out the pilot program, the Secretary shall develop or procure an accessibility data set and make that data set available to each eligible entity selected to participate in the pilot program to improve the transportation planning of such eligible entities by—

(A) measuring the level of access by multiple transportation modes, including transportation network companies, to important destinations, which may include—

(i) jobs, including areas with a concentration of available jobs;

(ii) health care facilities;

(iii) child care services;

(iv) educational and workforce training facilities;

(v) affordable housing;

(vi) food sources; and

(vii) connections between modes, including connections to—

(I) high-quality transit or rail service;

(II) safe bicycling corridors; and

(III) safe sidewalks that achieve compliance with applicable requirements of the ADA;

(B) disaggregating the level of access by multiple transportation modes by a variety of population categories, which shall include—

(i) low-income populations;

(ii) minority populations;

(iii) age;

(iv) disability such as sensory, cognitive, and physical, including wheelchair users; and

(v) geographical location; and

(C) assessing the change in accessibility that would result from new transportation investments.

(3) ELIGIBLE ENTITIES.—An entity eligible to participate in the pilot program is—

(A) a State;

(B) a metropolitan planning organization; or

(C) a rural transportation planning organization.

(4) APPLICATION.—To be eligible to participate in the pilot program, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information relating to—

(A) previous experience of the eligible entity measuring transportation access or other performance management experience;

(B) the types of important destinations to which the eligible entity intends to measure access;

(C) the types of data disaggregation the eligible entity intends to pursue;

(D) a general description of the methodology the eligible entity intends to apply; and

(E) if the applicant does not intend the pilot program to apply to the full area under the jurisdiction of the applicant, a description of the geographic area in which the applicant intends the pilot program to apply.

(5) SELECTION.—

(A) IN GENERAL.—The Secretary shall seek to achieve diversity of participants in the pilot program by selecting a range of eligible entities that shall include—

(i) States;

(ii) metropolitan planning organizations that serve an area with a population of 200,000 people or fewer;

(iii) metropolitan planning organizations that serve an area with a population of over 200,000 people; and

(iv) rural transportation planning organizations.

(B) INCLUSIONS.—The Secretary shall seek to ensure that, among the eligible entities selected under subparagraph (A) program participants represent—

(i) a range of capacity and previous experience with measuring transportation access; and

(ii) a variety of proposed methodologies and focus areas for measuring level of access.

(6) DUTIES.—For each eligible entity participating in the pilot program, the Secretary shall—

(A) develop or acquire an accessibility data set described in paragraph (2); and

(B) submit the data set to the eligible entity.

(7) METHODOLOGY.—In calculating the measures for the data set under the pilot program, the Secretary shall ensure that methodology is open source.

(8) AVAILABILITY.—The Secretary shall make an accessibility data set under the pilot program available to—

(A) units of local government within the jurisdiction of the eligible entity participating in the pilot program; and

(B) researchers.

(9) REPORT.—Not later than 120 days after the last date on which the Secretary submits data sets to the eligible entity under paragraph (6), the Secretary shall submit to Congress a report on the results of the program, including the feasibility of developing and providing periodic accessibility data sets for all States, regions, and localities.

(10) FUNDING.—The Secretary shall carry out the pilot program using amounts made available to the Secretary for administrative expenses to carry out programs under the authority of the Secretary.

(11) SUNSET.—The pilot program shall terminate on the date that is 8 years after the date on which the pilot program is implemented.

(e) DEFINITIONS.—In this section:

(1) ADA.—The term ''ADA'' means the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(2) DEPARTMENT.—The term ''Department'' means the Department of Transportation.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(4) STATE.—The term ''State'' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(5) TRANSPORTATION NETWORK COMPANY.—The term ''transportation network company''—

(A) means a corporation, partnership, sole proprietorship, or other entity, that uses an online-enabled application or digital network to connect riders to drivers affiliated with the entity in order for the driver to transport the rider using a vehicle owned, leased, or otherwise authorized for use by the driver to a point chosen by the rider; and

(B) does not include a shared-expense carpool or vanpool arrangement that is not intended to generate profit for the driver.

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**SA 2218.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. DISCLOSURE BY PROFESSIONAL PERSONS SEEKING APPROVAL OF COMPENSATION UNDER SECTION 316 OR 317 OF PROMESA.**

(a) REQUIRED DISCLOSURE.—

(1) IN GENERAL.—In a voluntary case commenced under section 304 of PROMESA (48 U.S.C. 2164), no attorney, accountant, appraiser, auctioneer, agent, consultant, or other professional person may be compensated under section 316 or 317 of that Act (48 U.S.C. 2176, 2177) unless prior to making a request for compensation, the professional person has submitted a verified statement conforming to the disclosure requirements of rule 2014(a) of the Federal Rules of Bankruptcy Procedure setting forth the connection of the professional person with—

(A) the debtor;

(B) any creditor;

(C) any other party in interest, including any attorney or accountant;

(D) the Financial Oversight and Management Board established in accordance with section 101 of PROMESA (48 U.S.C. 2121); and

(E) any person employed by the Oversight Board described in subparagraph (D).

(2) OTHER REQUIREMENTS.—A professional person that submits a statement under paragraph (1) shall—

(A) supplement the statement with any additional relevant information that becomes known to the person; and

(B) file annually a notice confirming the accuracy of the statement.

(b) REVIEW.—

(1) IN GENERAL.—The United States Trustee shall review each verified statement submitted pursuant to subsection (a) and may file with the court comments on such verified statements before the professionals filing such statements seek compensation under section 316 or 317 of PROMESA (48 U.S.C. 2176, 2177).

(2) OBJECTION.—The United States Trustee may object to compensation applications filed under section 316 or 317 of PROMESA (48 U.S.C. 2176, 2177) that fail to satisfy the requirements of subsection (e).

(3) RIGHT TO BE HEARD.—Each person described in section 1109 of title 11, United States Code, may appear and be heard on any issue in a case under this section.

(c) JURISDICTION.—The district courts of the United States shall have jurisdiction of all cases under this section.

(d) RETROACTIVITY.—

(1) IN GENERAL.—If a court has entered an order approving compensation under a case commenced under section 304 of PROMESA (48 U.S.C. 2164), each professional person subject to the order shall file a verified statement in accordance with subsection (a) not later than 60 days after the date of enactment of this Act.

(2) NO DELAY.—A court may not delay any proceeding in connection with a case commenced under section 304 of PROMESA (48 U.S.C. 2164) pending the filing of a verified statement under paragraph (1).

(e) LIMITATION ON COMPENSATION.—

(1) IN GENERAL.—In a voluntary case commenced under section 304 of PROMESA (48 U.S.C. 2164), in connection with the review and approval of professional compensation under section 316 or 317 of PROMESA (48 U.S.C. 2176, 2177), the court may deny allowance of compensation for services and reimbursement of expenses, accruing after the date of the enactment of this Act of a professional person if the professional person—

(A) has failed to file statements of connections required by subsection (a) or has filed inadequate statements of connections;

(B) except as provided in paragraph (3), is on or after the date of enactment of this Act not a disinterested person, as defined in section 101 of title 11, United States Code; or

(C) except as provided in paragraph (3), represents, or holds an interest adverse to, the interest of the estate with respect to the matter on which such professional person is employed.

(2) CONSIDERATIONS.—In making a determination under paragraph (1), the court may take into consideration whether the services and expenses are in the best interests of creditors and the estate.

(3) COMMITTEE PROFESSIONAL STANDARDS.—An attorney or accountant described in section 1103(b) of title 11, United States Code, shall be deemed to have violated paragraph (1) if the attorney or accountant violates section 1103(b) of title 11, United States Code.

**SA 2219.** Mr. MENENDEZ (for himself, Mr. KENNEDY and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. CAP ON ANNUAL PREMIUM INCREASES.**

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''covered cost''—

(A) means—

(i) the amount of an annual premium with respect to any policy for flood insurance under the National Flood Insurance Program;

(ii) any surcharge imposed with respect to a policy described in clause (i) (other than a surcharge imposed under section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b))), including a surcharge imposed under section 1308A(a) of that Act (42 U.S.C. 4015a(a)); and

(iii) a fee described in paragraph (1)(B)(iii) or (2) of section 1307(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)); and

(B) does not include any cost associated with the purchase of insurance under section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)), including any surcharge that relates to insurance purchased under such section 1304(b).

(b) LIMITATION ON INCREASES.—

(1) LIMITATION.—

(A) IN GENERAL.—During the 5-year period beginning on the date of enactment of this Act, notwithstanding section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)), and subject to subparagraph (B), the Administrator may not, in any year, increase the amount of any covered cost by an amount that is more than 9 percent, as compared with the amount of the covered cost during the previous year, except where the increase in the covered cost relates to an exception under paragraph (1)(C)(iii) of such section 1308(e).

(B) DECREASE OF AMOUNT OF DEDUCTIBLE OR INCREASE IN AMOUNT OF COVERAGE.—In the case of a policyholder described in section 1308(e)(1)(C)(ii) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)(1)(C)(ii)), the Administrator shall establish a process by which the Administrator determines an increase in covered costs for the policyholder that is—

(i) proportional to the relative change in risk based on the action taken by the policyholder; and

(ii) in compliance with subparagraph (A).

(2) NEW RATING SYSTEMS.—

(A) CLASSIFICATION.—With respect to a property, the limitation under paragraph (1) shall remain in effect for each year until the covered costs with respect to the property reflect full actuarial rates, without regard to whether, at any time until the year in which those covered costs reflect full actuarial rates, the property is rated or classified under the Risk Rating 2.0 methodology (or any substantially similar methodology).

(B) NEW POLICYHOLDER.—If a property to which the limitation under paragraph (1) applies is sold before the covered costs for the property reflect full actuarial rates determined under the Risk Rating 2.0 methodology (or any substantially similar methodology), that limitation shall remain in effect for each year until the year in which those full actuarial rates takes effect.

(c) RULE OF CONSTRUCTION.—Nothing in subsection (b) may be construed as prohibiting the Administrator from reducing, in any year, the amount of any covered cost, as compared with the amount of the covered cost during the previous year.

(d) AVERAGE HISTORICAL LOSS YEAR.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by striking subsection (h) and inserting the following:

''(h) RULE OF CONSTRUCTION.—For purposes of this section, the calculation of an 'average historical loss year' shall be computed in accordance with generally accepted actuarial principles.''.

(e) DISCLOSURE WITH RESPECT TO THE AFFORDABILITY STANDARD.—Section 1308(j) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(j)) is amended, in the second sentence, by inserting ''and shall include in the report the number of those exceptions as of the date on which the Administrator submits the report and the location of each policyholder insured under those exceptions, organized by county and State'' after ''of the Senate''.

**SEC. _____. MEANS TESTED AFFORDABILITY VOUCHER.**

(a) IN GENERAL.—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following:

**''SEC. 1326. AFFORDABILITY ASSISTANCE.**

''(a) AFFORDABILITY ASSISTANCE FUND.—

''(1) ESTABLISHMENT.—The Administrator shall establish in the Treasury of the United States an Affordability Assistance Fund (referred to in this section as the 'Fund'), which shall be—

''(A) an account separate from any other accounts or funds available to the Administrator; and

''(B) available without fiscal year limitation.

''(2) USE OF FUNDS.—Amounts from the Fund shall be available to provide financial assistance under subsection (b).

''(b) FINANCIAL ASSISTANCE.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'adjusted gross income' has the meaning given the term in section 62 of the Internal Revenue Code of 1986;

''(B) the term 'eligible household' means a household for which—

''(i) housing expenses exceed 30 percent of the adjusted gross income of the household in a year; and

''(ii)(I) the total assets owned by the household are in an amount that is not greater than 220 percent of the median household income for the State in which the household is located; or

''(II) with respect to a household that has a total household income that is not greater than 120 percent of the area median income for the area in which the household is located, the amount of premiums, surcharges, and fees for a flood insurance policy provided under this title in a year for the household exceeds 1 percent of the coverage limit of that policy under section 1306(b); and

''(C) the term 'housing expenses' means, with respect to a household, the total amount that the household spends in a year on—

''(i) mortgage payments;

''(ii) property taxes;

''(iii) homeowners insurance; and

''(iv) premiums for flood insurance under the national flood insurance program.

''(2) AUTHORITY.—

''(A) OTHER FINANCIAL ASSISTANCE.—The Administrator shall provide a voucher, grant, or premium credit to an eligible household for a year in an amount that, subject to subparagraph (B), is equal to the lesser of—

''(i) the difference between—

''(I) the housing expenses of the household for the year; and

''(II) 30 percent of the adjusted gross income of the household for the year; and

''(ii) the cost of premiums for the household for flood insurance under the national flood insurance program for the year.

''(B) REDUCTION.—The amount of the assistance provided under subparagraph (A) to an eligible household shall be reduced by 1 percent for each percent that the income of the eligible household exceeds 120 percent of the median household income for the State in which the property that is the subject of the assistance is located.

''(3) RELATIONSHIPS WITH OTHER AGENCIES.—The Administrator may enter into a memorandum of understanding with the head of any other Federal agency to administer paragraph (2)(A).''.

(b) DIRECT APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Affordability Assistance Fund established under section 1326 of the National Flood Insurance Act of 1968, as added by subsection (a) of this section, $1,000,000,000 for each of fiscal years 2022 through 2026 to provide financial assistance under subsection (b) of such section 1326.

**SEC. ____. COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM.**

(a) DIRECT APPROPRIATIONS.—Out of amounts in the Treasury not otherwise appropriated, there is appropriated to the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5170 et seq.), $25,000,000,000 for fiscal year 2021, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(b) FORMULA.—Notwithstanding section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306), amounts appropriated under subsection (a) shall be allocated to States as follows:

(1) One-third shall be allocated to States based on the dollar amount of claims in the State under the National Flood Insurance Program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) during the 10-year period preceding the date of enactment of this Act.

(2) One-third shall be allocated to States based on the number of severe repetitive loss properties, as defined in section 1307(h) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(h)), located in the State.

(3) One-third shall be allocated to States based on the amount of premium rate increases for properties located in the State under the Risk Rating 2.0 methodology (or any substantially similar methodology).

**SEC. _____. FORBEARANCE ON NFIP INTEREST PAYMENTS.**

(a) IN GENERAL.—During the 5-year period beginning on the date of enactment of this Act, the Secretary of the Treasury may not charge the Administrator of the Federal Emergency Management Agency (referred to in this section as the ''Administrator'') interest on amounts borrowed by the Administrator under section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) that were outstanding as of the date of enactment of this Act, including amounts borrowed after the date of enactment of this Act that refinance debts that existed before the date of enactment of this Act.

(b) USE OF SAVED AMOUNTS.—There shall be deposited into the National Flood Mitigation Fund an amount equal to the interest that would have accrued on the borrowed amounts during the 5-year period described in subsection (a) at the time at which those interest payments would have otherwise been paid, which, notwithstanding any provision of section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d), the Administrator shall use to carry out the program established under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c).

(c) NO RETROACTIVE ACCRUAL.—After the 5-year period described in subsection (a), the Secretary of the Treasury shall not require the Administrator to repay any interest that, but for that subsection, would have accrued on the borrowed amounts described in that subsection during that 5-year period.

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**SA 2220.** Mr. VAN HOLLEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. STATE SMALL BUSINESS CREDIT INITIATIVE.**

The State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5701 et seq.) is amended—

(1) in section 3007(d) (12 U.S.C. 5706(d)), by striking ''the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State'' and inserting ''March 31, 2032, except that the Secretary may require the participating State to continue to submit those reports in such form as the Secretary, in the sole discretion of the Secretary, may require, on a quarterly or annual basis, until the date that is 10 years after the date on which the State fully expends the Federal funding allocated to the participating State under the Program''; and

(2) in section 3009(c) (12 U.S.C. 5708(c)), by striking ''at the end of the 7-year period beginning on the date of the enactment of section 3003(d)'' and inserting ''on March 31, 2032, except that the Secretary may continue to require and collect reports, as described in section 3007(d), and to publish the results of those reports, until the date that is 90 days after the date on which the obligation of the last participating State to submit those reports terminates''.

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**SA 2221.** Mr. VAN HOLLEN (for himself, Mr. ROUNDS, and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. FEDERAL REQUIREMENTS FOR TIFIA ELIGIBILITY AND PROJECT SELECTION.**

(a) IN GENERAL.—Section 602(c) of title 23, United States Code, is amended by adding at the end the following:

''(3) PAYMENT AND PERFORMANCE SECURITY.—

''(A) IN GENERAL.—The Secretary shall ensure that the design and construction of a project carried out with assistance under the TIFIA program shall have appropriate payment and performance security, regardless of whether the obligor is a State, local government, agency or instrumentality of a State or local government, public authority, or private party.

''(B) WRITTEN DETERMINATION.—If payment and performance security is required to be furnished by applicable statute or regulation, the Secretary may accept such payment and performance security requirements applicable to the obligor if the Secretary has made a written determination that the Federal interest with respect to Federal funds and other project risk related to design and construction is adequately protected.

''(C) NO DETERMINATION OR APPLICABLE REQUIREMENTS.—If a determination under this paragraph has not been made or there are no payment and performance security requirements applicable to the obligor, the security under section 3131(b) of title 40 shall be required.''.

(b) APPLICABILITY.—The amendments made by this Act shall apply with respect to any contract entered into on or after the date of enactment of this Act.

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**SA 2222.** Mr. VAN HOLLEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division G, insert the following:

**SEC. _____. FEDERAL CAPITAL REVOLVING FUND.**

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) sudden increases in funding for purchases of federally owned capital assets are difficult to fit within funding available under discretionary spending limits;

(B) failure to recapitalize or replace Federal capital assets on a regular schedule ultimately increases the cost to taxpayers of delivering services;

(C) in appendix J, entitled ''Principles of Budgeting for Capital Asset Acquisitions'', of Circular A–11, the Office of Management and Budget recommended combining assets in capital acquisition accounts to accommodate spikes in funding capital acquisitions;

(D) in the document entitled ''Budgeting for Federal Investment'' and dated April 15, 2021, the Congressional Budget Office states that there is, ''a budgetary incentive to opt for short-term leases even if they are more expensive than long-term leases or purchases,'' and identifies a Federal Capital Revolving Fund as a potential solution; and

(E) the document of the Government Accountability Office numbered GAO–14–239 found that budgeting for federally owned capital assets could be improved by creating a Government-wide capital acquisition fund with upfront mandatory funding—

(i) to pay for projects estimated to exceed a certain total-cost threshold; and

(ii) to be repaid by annual discretionary funding provided by agency subcommittee appropriators.

(2) PURPOSE.—The purpose of this section is to improve the means by which the Federal Government budgets for expensive, federally owned, civilian facilities by—

(A) establishing a mandatory revolving fund to pay the upfront costs of acquiring those facilities in a manner that ensures that the acquisition costs do not compete with smaller purchases and operating expenses for funding under applicable discretionary spending limits; and

(B) requiring agencies to use discretionary appropriations to replenish the revolving fund referred to in subparagraph (A) over a several-year period as the agencies use the facilities described in that subparagraph to meet Federal mission needs.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) AGENCY.—

(A) IN GENERAL.—The term ''agency'' means any agency included in a list under paragraph (1) or (2) of section 901(b) of title 31, United States Code.

(B) EXCLUSION.—The term ''agency'' does not include the Department of Defense.

(3) DISCRETIONARY APPROPRIATIONS.—The term ''discretionary appropriations'' has the meaning given that term in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

(4) ELIGIBLE AGENCY PROJECT.—

(A) IN GENERAL.—The term ''eligible agency project'' means an action by an agency—

(i) to acquire (including any related activity relating to siting, design, management and inspection, construction, or commissioning, and including all costs associated with temporary space and the acquisition of associated furniture, fixtures, and equipment necessary to furnish the Federal facility for initial occupancy) a facility for use by the agency as a Federal facility, through—

(I) purchase;

(II) construction;

(III) manufacture;

(IV) lease-purchase;

(V) installment purchase;

(VI) outlease-leaseback;

(VII) exchange; or

(VIII) modernization by renovation;

(ii) to pay to the Administrator an administrative fee for each acquisition described in clause (i), in accordance with subsection (d)(8); and

(iii) the total cost of which is not less than $250,000,000.

(B) EXCLUSIONS.—The term ''eligible agency project'' does not include—

(i) an acquisition for resale in the ordinary course of agency operations;

(ii) the acquisition of any consumable good, such as operating materials or supplies;

(iii) an activity for normal maintenance or repair of real property;

(iv) the payment of any salary or other operating expense of an agency;

(v) the provision by an agency to any non-Federal individual or entity of—

(I) a grant;

(II) a tax incentive; or

(III) a Federal credit assistance instrument; or

(vi) the execution of any capital lease pursuant to which title does not automatically pass to the Federal Government.

(5) FEDERAL FACILITY.—The term ''Federal facility'' means a structure on real property—

(A) that has a useful life of not less than 25 years, as determined by the Administrator; and

(B) within which 1 or more Federal employees or personnel carry out, or are proposed to carry out, an agency mission.

(6) FUND.—The term ''Fund'' means the Federal Capital Revolving Fund established by subsection (c)(1).

(7) GSA-AFFECTED AGENCY.—The term ''GSA-affected agency'' means an agency that acquires real property through the General Services Administration pursuant to section 3307 of title 40, United States Code.

(8) PURCHASE TRANSFER.—The term ''purchase transfer'' means an amount that is—

(A) approved by an appropriations Act to be transferred from the Fund to a purchasing agency under subsection (d); and

(B) not less than the amount required under subsection (d)(4).

(9) PURCHASING AGENCY.—The term ''purchasing agency'' means an agency that receives from the Fund a purchase transfer to pay the cost of an eligible agency project.

(c) FEDERAL CAPITAL REVOLVING FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Federal Capital Revolving Fund'', consisting of the amounts deposited under paragraph (2), to be administered by the Administrator.

(2) DEPOSITS.—The Secretary of the Treasury shall deposit in the Fund—

(A) as soon as practicable after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, $10,000,000,000 to capitalize the Fund; and

(B) any amounts received from purchasing agencies through repayments under subsection (e).

(3) AVAILABILITY.—Amounts in the Fund shall—

(A) be used only for the purpose described in paragraph (4)(A); and

(B) remain available until expended.

(4) USE OF FUND.—Amounts in the Fund—

(A) shall be available only on approval of a purchase transfer to a purchasing agency to pay the costs of an eligible agency project, in accordance with this section; and

(B) may not be transferred or reprogrammed for any purpose other than the purpose specified in subparagraph (A).

(d) PURCHASE TRANSFERS.—

(1) DEFINITIONS.—In this subsection:

(A) APPLICABLE COMMITTEE OF JURISDICTION.—The term ''applicable committee of jurisdiction'', with respect to an unaffected agency, means—

(i) the Committee on Appropriations of the Senate;

(ii) the Committee on Appropriations of the House of Representatives; and

(iii) any other committee of the Senate or the House of Representatives, the approval of which is required for the unaffected agency to acquire real property.

(B) UNAFFECTED AGENCY.—The term ''unaffected agency'' means an agency that acquires real property pursuant to an authority other than the General Services Administration.

(2) REQUESTS.—

(A) GSA-AFFECTED AGENCIES.—To be eligible to receive a purchase transfer from the Fund, a GSA-affected agency shall submit to the Administrator, the Committees on Appropriations and Environment and Public Works of the Senate, and the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives a request that describes—

(i) the eligible agency project proposed to be carried out by the GSA-affected agency using the purchase transfer; and

(ii) with respect to the eligible agency project described in clause (i)—

(I) each Federal facility proposed to be included;

(II) an estimated total cost; and

(III) a proposed schedule.

(B) UNAFFECTED AGENCIES.—To be eligible to receive a purchase transfer from the Fund, an unaffected agency shall submit to each applicable committee of jurisdiction a request that describes—

(i) the eligible agency project proposed to be carried out by the unaffected agency using the purchase transfer; and

(ii) with respect to the eligible agency project described in clause (i)—

(I) each Federal facility proposed to be included;

(II) an estimated total cost; and

(III) a proposed schedule.

(3) APPROVAL.—

(A) NOTICE FOR GSA-AFFECTED AGENCIES.—On approval by the Administrator of a request submitted by a GSA-affected agency under paragraph (2)(A), the Administrator shall submit to Congress a notice of the approval in accordance with subsections (b) and (h) of section 3307 of title 40, United States Code.

(B) CONGRESS.—On receipt of a request for a purchase transfer from the Fund and the notice of approval by the Administrator for GSA-affected agencies required under subparagraph (A), Congress may enact legislation—

(i) approving the applicable eligible agency project and the purchase transfer, subject to—

(I) for a request of a GSA-affected agency, subsections (c) and (d) of section 3307 of title 40, United States Code; or

(II) for a request of an unaffected agency, any applicable laws (including regulations); and

(ii) appropriating an amount equal to the first repayment amount relating to the approved eligible agency project.

(C) ADMINISTRATOR.—The Administrator may transfer amounts in the Fund to an agency only if—

(i) Congress has enacted legislation pursuant to subparagraph (B)(i) approving—

(I) the eligible agency project of the agency; and

(II) the purchase transfer; and

(ii) the agency has—

(I) received appropriations pursuant to subsection (e)(5) for the first repayment amount; and

(II) made the first repayment to the Fund in accordance with subsection (e).

(D) SECRETARY OF TREASURY.—The Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget and the head of the applicable purchasing agency, may establish within that purchasing agency new accounts for the purpose of facilitating budgetary and financial reporting of the transactions authorized by this section.

(4) AMOUNT.—The total amount of a purchase transfer shall be not less than an amount equal to the sum of—

(A) the full cost of the relevant eligible agency project, which shall be not less than a useful segment of the applicable Federal facility; and

(B) the administrative fee required to be paid by the relevant purchasing agency under paragraph (8), as determined by the Administrator.

(5) AVAILABILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a purchase transfer to a purchasing agency—

(i) shall remain available until expended;

(ii) shall be used solely to pay the costs of an eligible agency project; and

(iii) may not be transferred or reprogrammed for any other purpose.

(B) RETURN OF UNUSED AMOUNTS.—Any portion of a purchase transfer that is not necessary to pay for the total cost of an eligible agency project shall be returned to the Fund, as follows:

(i) TIMING.—Any unobligated purchase transfer amounts shall be returned to the Fund—

(I) after the relevant eligible agency project is substantially complete, as determined by the applicable purchasing agency; and

(II) by not later than 2 years after the date on which the most recent outlay of funds from the purchase transfer by the purchasing agency occurred.

(ii) UPWARD ADJUSTMENTS.—If, after the return of unused purchase transfer amounts under clause (i), there occurs an upward adjustment to a previously incurred obligation for the eligible agency project, the Fund shall provide to the applicable purchasing agency an expenditure transfer for the upward adjustment in an amount equal to the lower of—

(I) the amount returned under clause (i); and

(II) the amount of the upward adjustment to the previously incurred obligation.

(6) LIMITATIONS.—

(A) AVAILABILITY OF AMOUNTS.—Notwithstanding any appropriations Act making amounts available for a purchase transfer under this subsection, if the amount made available to the applicable purchasing agency for the first repayment amount relating to the purchase transfer is less than the amount required by subsection (e)(2) for the fiscal year, the amount transferred from the Fund to the purchasing agency shall be equal to the product obtained by multiplying—

(i) that first repayment amount; and

(ii) the number of years in the applicable repayment period under subsection (e)(3).

(B) ANNUAL MAXIMUM.—The total amount appropriated for a fiscal year for new purchase transfers under this subsection shall be not more than an amount equal to the sum of—

(i) $2,500,000,000; and

(ii) the total amount, if any, by which the amounts appropriated for purchase transfers during any preceding fiscal years were less than the amount described in clause (i).

(C) HIGHER PROJECT COSTS.—If the amount appropriated from the Fund for a purchase transfer under this subsection is insufficient to pay the full costs of the eligible agency project that is the subject of the purchase transfer, an amount in excess of the appropriated amount may be transferred from the Fund to the applicable purchasing agency only if—

(i) the additional transfer is approved in advance by an appropriations Act; and

(ii) the purchasing agency has—

(I) received an appropriation of an additional amount for the adjustment to the repayment amount under subsection (e)(2)(B); and

(II) repaid to the Fund that additional repayment amount.

(D) EFFECT OF SUBSECTION.—Nothing in this subsection requires any unaffected agency to receive approval from the Administrator, or to achieve compliance with section 3307 of title 40, United States Code, before acquiring real property pursuant to an existing authority of the unaffected agency for purposes of this section.

(7) EXCESS PURCHASE TRANSFER AMOUNTS.—In any fiscal year during which the total amount of purchase transfers approved to be appropriated from the Fund exceeds an amount equal to the lesser of the amount available in the Fund and the annual limitation described in paragraph (6)(B) for that fiscal year—

(A) each purchase transfer approved by an appropriations Act for the fiscal year shall be reduced by a uniform percentage, to be calculated by the Administrator in a manner that ensures that the excess is eliminated; and

(B) the Administrator may not transfer from the Fund an amount equal to more than the reduced purchase transfer amount calculated under subparagraph (A).

(8) ADMINISTRATIVE FEE.—On receipt of a purchase transfer, a purchasing agency shall pay to the Administrator from the purchase transfer a 1-time administrative fee in an amount equal to not less than 0.03 percent of the total cost of the eligible agency project that is the subject of the purchase transfer.

(e) REPAYMENTS TO FUND.—

(1) AGREEMENT REQUIRED.—As a condition of receiving a purchase transfer from the Fund, a purchasing agency shall enter into a written agreement with the Administrator under which the purchasing agency shall agree to make annual repayments to the Fund in accordance with this subsection.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of an annual repayment to the Fund by a purchasing agency under this subsection shall be an amount equal to the quotient obtained by dividing—

(i) the amount of the purchase transfer provided to the purchasing agency; by

(ii) the number of years in the repayment period, as determined under paragraph (3).

(B) ADJUSTMENT.—

(i) IN GENERAL.—In any case described in clause (ii), after a purchasing agency repays to the Fund the applicable repayment amount, the Administrator shall adjust the repayment amount owed by the purchasing agency for each fiscal year thereafter by such uniform amount as the Administrator determines to be necessary to ensure that the sum of all repayments (including any repayments already paid to the Fund) by the purchasing agency is equal to the actual cost of the eligible agency project of the purchasing agency.

(ii) DESCRIPTION.—A case referred to in clause (i) is any case in which—

(I) the actual cost of the eligible agency project of the purchasing agency is less than the purchase transfer to the purchasing agency;

(II)(aa) the actual cost of the eligible agency project of the purchasing agency is greater than the purchase transfer to the purchasing agency; and

(bb) an additional purchase transfer in an amount equal to the amount of the difference has been approved in advance in an appropriations Act;

(III) the total amount of repayments by the purchasing agency exceeds the annual repayment amount described in subparagraph (A); or

(IV) the amount of the purchase transfer is reduced under subsection (d)(7).

(3) REPAYMENT PERIOD.—The period over which a purchasing agency shall repay to the Fund the amount described in paragraph (2) shall be—

(A) such period as may be agreed to by the purchasing agency and the Administrator; but

(B) not longer than 15 years, beginning in the fiscal year for which the first repayment amount is appropriated to the purchasing agency pursuant to paragraph (5)(A).

(4) FREQUENCY.—Repayments shall be made under this subsection not less frequently than annually during the period described in paragraph (3).

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to each purchasing agency such sums as are necessary for the repayments owed by the purchasing agency to the Fund under this subsection for each fiscal year during the period—

(i) beginning in the first fiscal year during which amounts are transferred from the Fund to the purchasing agency under subsection (d)(3)(C); and

(ii) ending on the last day of the repayment period determined for the purchasing agency under paragraph (3).

(B) TREATMENT.—The receipt by a purchasing agency of amounts made available pursuant to subparagraph (A) for a fiscal year shall be considered to be a legal obligation of the purchasing agency during that fiscal year to make a repayment to the Fund in accordance with this subsection.

(f) TREATMENT OF ELIGIBLE AGENCY PROJECTS AND FEDERAL FACILITIES.—

(1) DISPOSITION.—

(A) IN GENERAL.—Disposition of an eligible agency project and any Federal facility that is the subject of an eligible agency project shall be carried out in accordance with—

(i) applicable laws (including regulations); and

(ii) this paragraph.

(B) OUTSTANDING REPAYMENT OBLIGATIONS.—If the disposition of an eligible agency project or Federal facility described in subparagraph (A) occurs before the applicable purchasing agency has completed the obligation of the purchasing agency to make any repayment to the Fund under subsection (e), the purchasing agency shall continue to make the required repayments until the date on which the Fund is fully repaid, subject to the availability of appropriations.

(C) USE OF PROCEEDS.—

(i) IN GENERAL.—If the disposition of an eligible agency project or Federal facility described in subparagraph (A) results in the receipt of sale proceeds, those proceeds shall be available—

(I) initially, to the applicable purchasing agency to pay any remaining unpaid repayments owed by the purchasing agency to the Fund; and

(II) thereafter, for the purpose of supporting authorized real property activities (excluding operations and maintenance)—

(aa) to the applicable purchasing agency, in the case of a purchasing agency that is an unaffected agency (as defined in subsection (d)(1)); or

(bb) to the Administrator, in the case of an asset held in the inventory of the General Services Administration under paragraph (3).

(ii) AVAILABILITY.—Any proceeds from a sale under clause (i)—

(I) shall be available until expended, without further appropriation; and

(II) may be deposited in any account of the applicable purchasing agency or the General Services Administration, as applicable, that is available for the purposes described in subclauses (I) and (II) of clause (i).

(2) CHANGES IN NEED OR CONDITION.—A change in the mission need of a purchasing agency for an eligible agency project or Federal facility that is the subject of an eligible agency project, and any change in the condition of such an eligible agency project or Federal facility, shall not affect any applicable repayment obligation relating to the eligible agency project under subsection (e).

(3) HOLDING IN ADMINISTRATION INVENTORY.—

(A) DEFINITIONS.—In this paragraph:

(i) ADMINISTRATION.—The term ''Administration'' means the General Services Administration.

(ii) COVERED PROPERTY.—The term ''covered property'' means any asset acquired through the Administration by a purchasing agency using a purchase transfer.

(B) INCLUSION IN INVENTORY.—On acquisition by a GSA-affected agency of any covered property, the covered property shall be—

(i) placed in the inventory of the Administration; and

(ii) considered to be under the custody and control of the Administrator, subject to the requirements of this paragraph.

(C) PAYMENT TO ADMINISTRATOR.—

(i) IN GENERAL.—On receipt by a GSA-affected agency of amounts pursuant to a purchase transfer for the acquisition of any covered property, the GSA-affected agency—

(I) except as provided in subclause (II), shall transfer the purchase transfer amount to the Administrator for deposit in the Federal Buildings Fund under section 592 of title 40, United States Code; but

(II) may retain such portion of the purchase transfer amount as is necessary for acquisition by the GSA-affected agency of associated furniture, fixtures, and equipment necessary to furnish the Federal facility for initial occupancy in accordance with clause (ii).

(ii) USE.—The Administrator or a GSA-affected agency shall use the amounts transferred under clause (i)(I) or retained under clause (i)(II), respectively, only to pay the costs of the eligible agency project associated with the covered property.

(iii) PROHIBITION ON FEES.—The Administrator may not charge any fee for the execution of an eligible agency project on covered property pursuant to clause (ii), other than the 1-time administrative fee described in subsection (d)(8).

(D) OCCUPANCY AGREEMENT.—The Administrator and the head of the applicable GSA-affected agency shall enter into an occupancy agreement with respect to any covered property acquired by the GSA-affected agency that—

(i) recognizes the investment of the GSA-affected agency in the covered property and the associated eligible agency project by providing for shell rent abatement, in accordance with subparagraph (E); and

(ii) establishes that the purchasing agency shall continue to be responsible for making annual repayments to the Fund in accordance with subsection (e) with respect to the covered property.

(E) SHELL RENT ABATEMENT.—The shell rent abatement provisions under subparagraph (D)(i) relating to an occupancy agreement with respect to covered property shall include requirements that rental payments shall—

(i) be made by the GSA-affected agency to the Administration immediately on occupancy of the covered property by the GSA-affected agency;

(ii) for the 5-year period beginning on the initial date of occupancy of the covered property by the GSA-affected agency, be in an amount equal to the operating costs during the rental payment period of the GSA-affected agency relating to the covered property; and

(iii) effective during the period beginning on the date immediately after the period described in clause (ii) and ending on the date that is 25 years after the initial date of occupancy of the covered property by the GSA-affected agency, be in an amount equal to the sum of—

(I) the operating costs during the rental payment period of the GSA-affected agency relating to the covered property; and

(II) such reduced shell rental rate as the GSA-affected agency and the Administrator may negotiate, subject to the requirement that the cumulative difference between the appraised market rent rate of the covered property and the reduced shell rental rate shall be equal to not more than the amount of the applicable purchase transfer.

(g) BUDGET ENFORCEMENT.—For purposes of budget enforcement under the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.), the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), and the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.) relating to this section, the following shall apply:

(1) DIRECT SPENDING.—Any provision in an appropriations Act approving a purchase transfer from the Fund to a purchasing agency, and collection by the Fund of repayments from the purchasing agency—

(A) shall be classified as direct spending (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c))); and

(B) shall not be included in the estimates under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(7)) or considered budgetary effects for the purposes of section 3(4) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 932(4)).

(2) DISCRETIONARY APPROPRIATIONS.—A provision providing appropriations to a purchasing agency for annual repayments to the Fund shall be—

(A) classified as discretionary appropriations; and

(B) scored in the fiscal year for which such appropriations are made available by an appropriations Act.

(3) CHANGES TO FUND BALANCE.—

(A) DEFINITION.—In this paragraph, the term ''provision changing the Fund balance'' means a provision in an appropriations Act that—

(i) rescinds or precludes from obligation balances in the Fund;

(ii) rescinds or precludes from obligation balances of approved purchase transfers; or

(iii) reduces the annual limitation on total purchase transfers under subsection (d)(6)(B).

(B) EFFECTS.—A provision changing the Fund balance—

(i) shall be considered budgetary effects for purposes of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), and such budgetary effects shall be placed on the scorecards maintained pursuant to section 4(d) of that Act (2 U.S.C. 933(d)) and the scorecards maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress); and

(ii) shall not be included in the estimates under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(7)).

(4) FAILURE TO APPROPRIATE REPAYMENTS.—

(A) DEFINITION.—In this paragraph, the term ''failure to appropriate a repayment'' means that—

(i) an appropriations Act for a fiscal year provides a first repayment amount for an eligible agency project; and

(ii) for a subsequent fiscal year during the repayment period, such appropriations Act does not provide an appropriation for the repayment amount required for that fiscal year.

(B) EFFECTS.—If there is a failure to appropriate a repayment, an amount equal to the required repayment for the applicable fiscal year, calculated pursuant to subsection (e)(2), shall be included in the estimates under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(7)).

(5) TRANSFERS AND REPROGRAMMING.—

(A) DEFINITION.—In this paragraph, the term ''transfer or reprogramming provision'' means a provision in an appropriations Act that, notwithstanding clauses (ii) and (iii) of subsection (d)(5)(A), authorizes or requires—

(i) a transfer of amounts in the Fund for any purpose other than to cover the costs of eligible agency projects; or

(ii) a purchasing agency to transfer or reprogram a purchase transfer for a purpose other than paying the costs of an eligible agency project.

(B) EFFECTS.—The amount transferred or reprogrammed under a transfer or reprogramming provision shall be included in the estimates of discretionary appropriations under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(7)).

(h) SEQUESTRATION.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after the item relating to Farm Credit System Insurance Corporation, Farm Credit Insurance Fund the following:

''Federal Capital Revolving Fund (47–4614–0–4–804).''.

(i) ADMINISTRATIVE PROVISIONS.—

(1) TREATMENT AS EXPENDITURE TRANSFERS.—The following shall be considered to be, and shall be recorded as, expenditure transfers:

(A) Each purchase transfer.

(B) Each payment of an administrative fee under subsection (d)(8).

(C) Each transfer of repayment amounts to the Fund under subsection (e).

(2) EFFECT OF SECTION.—Nothing in this section—

(A) provides any new real property landholding or land managing authority to a purchasing agency;

(B) otherwise affects any existing real property landholding or land managing authority of an agency, as in effect on the date of enactment of this Act; or

(C) permits the President, the Administrator, or the head of any other agency to transfer, reprogram, or otherwise use any amounts in the Fund absent specific language enacted by Congress authorizing such an action.

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**SA 2223.** Mr. KING submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle E of title III of division D, insert the following:

**SEC. 403___. JUDICIAL REVIEW OF LEASING ACTIONS ON THE OUTER CONTINENTAL SHELF.**

Section 23(c)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1349(c)(2)) is amended by inserting ''or any final plan issued pursuant to section 8(p)(1)(C)'' before ''shall be subject''.

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**SA 2224.** Mr. KING submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER,

and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division D, add the following:

**SEC. 408_____. FOREST INVENTORY AND ANALYSIS PROGRAM BLUE RIBBON PANEL.**

Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended by adding at the end the following:

''(f) FOREST INVENTORY AND ANALYSIS PROGRAM BLUE RIBBON PANEL.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary, in consultation with the National Association of State Foresters, shall convene a blue ribbon panel (referred to in this subsection as the 'Panel') to review the forest inventory and analysis program established under this section.

''(2) COMPOSITION.—The Panel shall be composed of not fewer than 20, and not more than 30, members, including 1 or more of each of the following:

''(A) State foresters.

''(B) Representatives from the Environmental Protection Agency.

''(C) Representatives from the Department of the Interior.

''(D) Academic experts in forest health, management, and economics.

''(E) Forest industry representatives throughout the supply chain, including representatives of large forest landowners and small forest landowners.

''(F) Representatives from environmental groups.

''(G) Representatives from regional greenhouse gas trading organizations.

''(H) Experts in carbon accounting and carbon offset markets.

''(3) DUTIES.—

''(A) REVIEW.—The Panel shall conduct a review of the past progress, current priorities, and future needs of the forest inventory and analysis program with respect to forest carbon, climate change, forest health, and sustainable wood products.

''(B) REPORT.—Not later than March 31, 2022, the Panel shall submit to the Secretary, the Secretary of the Interior, and Congress a report describing the review conducted under subparagraph (A).

''(4) ADMINISTRATIVE MATTERS.—

''(A) CHAIRPERSON AND VICE CHAIRPERSON.—The Panel shall select a Chairperson and Vice Chairperson from among the nongovernmental members of the Panel.

''(B) COMMITTEES.—The Panel may establish 1 or more committees within the Panel as the Panel determines to be appropriate.

''(C) COMPENSATION.—A member of the Panel shall serve without compensation.

''(D) ADMINISTRATIVE SUPPORT.—The Secretary shall provide such administrative support as is necessary for the Panel to carry out its duties.

''(E) FEDERAL ADVISORY COMMITTEE ACT.—The Panel shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).''.

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**SA 2225.** Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In division I, strike section 90006 and insert the following:

**SEC. 90006. REQUIREMENTS FOR PRESCRIPTION DRUG BENEFITS.**

(a) REMOVAL OF SAFE HARBOR PROTECTION FOR REBATES INVOLVING PRESCRIPTION DRUGS AND ESTABLISHMENT OF NEW SAFE HARBOR PROTECTIONS INVOLVING PRESCRIPTION DRUGS.—

(1) REMOVAL OF SAFE HARBOR PROTECTION FOR REBATES INVOLVING PRESCRIPTION DRUGS.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended—

(A) in paragraph (3)(A), by striking ''a discount'' and inserting ''subject to paragraph (5), a discount''; and

(B) by adding at the end the following:

''(5) REMOVAL OF SAFE HARBOR PROTECTION FOR REBATES INVOLVING PRESCRIPTION DRUGS.—The safe harbor described in paragraph (3)(A) shall not apply to a reduction in price or other remuneration from a manufacturer of prescription drugs to a sponsor of a prescription drug plan under part D of title XVIII, an MA organization offering an MA–PD plan under part C of such title, or a pharmacy benefit manager under contract with such a sponsor or such an organization and, except as provided in subparagraphs (L) and (M) of paragraph (3), paragraphs (1) and (2) shall apply to any such reduction in price or other remuneration.''.

(2) ESTABLISHMENT OF NEW SAFE HARBOR PROTECTIONS INVOLVING PRESCRIPTION DRUGS .—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(A) in subparagraph (J), by striking ''and'' at the end;

(B) in subparagraph (K), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(L) a reduction in price offered by a manufacturer of prescription drugs to a sponsor of a prescription drug plan under part D of title XVIII, an MA organization offering an MA–PD plan under part C of such title, or a pharmacy benefit manager under contract with such a sponsor or such an organization, that is reflected at the point of sale to the individual and meets such other conditions as the Secretary may establish; and

''(M) flat fee service fees a manufacturer of prescription drugs pays to a pharmacy benefit manager for services rendered to the manufacturer that relate to arrangements by the pharmacy benefit manager to provide pharmacy benefit management services to a health plan, if certain conditions established by the Secretary are met, including requirements that the fees are transparent to the health plan.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2023.

(b) REQUIREMENTS FOR PRIVATE INSURANCE PLANS.—

(1) IN GENERAL.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–111 et seq.) is amended by adding at the end the following:

**''SEC. 2799A–11. REQUIREMENTS WITH RESPECT TO PRESCRIPTION DRUG BENEFITS.**

''(a) IN GENERAL.—A group health plan or a health insurance issuer offering group or individual health insurance coverage shall not, and shall ensure that any entity that provides pharmacy benefits management services under a contract with any such health plan or health insurance coverage does not, receive from a drug manufacturer a reduction in price or other remuneration with respect to any prescription drug received by an enrollee in the plan or coverage and covered by the plan or coverage, unless—

''(1) any such reduction in price is reflected at the point of sale to the enrollee and meets such other conditions as the Secretary may establish; and

''(2) any such other remuneration is a flat fee-based service fee that a manufacturer of prescription drugs pays to an entity that provides pharmacy benefits management services for services rendered to the manufacturer that relate to arrangements by the pharmacy benefit manager to provide pharmacy benefit management services to a health plan or health insurance issuer, if certain conditions established by the Secretary are met, including requirements that the fees are transparent to the health plan or health insurance issuer.

''(b) ENTITY THAT PROVIDES PHARMACY BENEFITS MANAGEMENT SERVICES.—For purposes of this section, the term 'entity that provides pharmacy benefits management services' means—

''(1) any person, business, or other entity that, pursuant to a written agreement with a group health plan or a health insurance issuer offering group or individual health insurance coverage, directly or through an intermediary—

''(A) acts as a price negotiator on behalf of the plan or coverage; or

''(B) manages the prescription drug benefits provided by the plan or coverage, which may include the processing and payment of claims for prescription drugs, the performance of drug utilization review, the processing of drug prior authorization requests, the adjudication of appeals or grievances related to the prescription drug benefit, contracting with network pharmacies, controlling the cost of covered prescription drugs, or the provision of related services; or

''(2) any entity that is owned, affiliated, or related under a common ownership structure with a person, business, or entity described in paragraph (1).''.

(2) ERISA.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

**''SEC. 726. REQUIREMENTS WITH RESPECT TO PRESCRIPTION DRUG BENEFITS.**

''(a) IN GENERAL.—A group health plan or a health insurance issuer offering group health insurance coverage shall not, and shall ensure that any entity that provides pharmacy benefits management services under a contract with any such health plan or health insurance coverage does not, receive from a drug manufacturer a reduction in price or other remuneration with respect to any prescription drug received by an enrollee in the plan or coverage and covered by the plan or coverage, unless—

''(1) any such reduction in price is reflected at the point of sale to the enrollee and meets such other conditions as the Secretary may establish; and

''(2) any such other remuneration is a flat fee-based service fee that a manufacturer of prescription drugs pays to an entity that provides pharmacy benefits management services for services rendered to the manufacturer that relate to arrangements by the pharmacy benefit manager to provide pharmacy benefit management services to a health plan or health insurance issuer, if certain conditions established by the Secretary are met, including requirements that the fees are transparent to the health plan or health insurance issuer.

''(b) ENTITY THAT PROVIDES PHARMACY BENEFITS MANAGEMENT SERVICES.—For purposes of this section, the term 'entity that provides pharmacy benefits management services' means—

''(1) any person, business, or other entity that, pursuant to a written agreement with a group health plan or a health insurance issuer offering group health insurance coverage, directly or through an intermediary—

''(A) acts as a price negotiator on behalf of the plan or coverage; or

''(B) manages the prescription drug benefits provided by the plan or coverage, which may include the processing and payment of claims for prescription drugs, the performance of drug utilization review, the processing of drug prior authorization requests, the adjudication of appeals or grievances related to the prescription drug benefit, contracting with network pharmacies, controlling the cost of covered prescription drugs, or the provision of related services; or

''(2) any entity that is owned, affiliated, or related under a common ownership structure with a person, business, or entity described in paragraph (1).''.

(B) CLERICAL AMENDMENT.—The table of contents of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 725 the following:

''Sec. 725. Requirements with respect to prescription drug benefits.''.

(3) IRC.—

(A) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

**''SEC. 9826. REQUIREMENTS WITH RESPECT TO PRESCRIPTION DRUG BENEFITS.**

''(a) IN GENERAL.—A group health plan shall not, and shall ensure that any entity that provides pharmacy benefits management services under a contract with any such health plan does not, receive from a drug manufacturer a reduction in price or other remuneration with respect to any prescription drug received by an enrollee in the plan and covered by the plan, unless—

''(1) any such reduction in price is reflected at the point of sale to the enrollee and meets such other conditions as the Secretary may establish; and

''(2) any such other remuneration is a flat fee-based service fee that a manufacturer of prescription drugs pays to an entity that provides pharmacy benefits management services for services rendered to the manufacturer that relate to arrangements by the pharmacy benefit manager to provide pharmacy benefit management services to a health plan, if certain conditions established by the Secretary are met, including requirements that the fees are transparent to the health plan.

''(b) ENTITY THAT PROVIDES PHARMACY BENEFITS MANAGEMENT SERVICES.—For purposes of this section, the term 'entity that provides pharmacy benefits management services' means—

''(1) any person, business, or other entity that, pursuant to a written agreement with a group health plan, directly or through an intermediary—

''(A) acts as a price negotiator on behalf of the plan; or

''(B) manages the prescription drug benefits provided by the plan, which may include the processing and payment of claims for prescription drugs, the performance of drug utilization review, the processing of drug prior authorization requests, the adjudication of appeals or grievances related to the prescription drug benefit, contracting with network pharmacies, controlling the cost of covered prescription drugs, or the provision of related services; or

''(2) any entity that is owned, affiliated, or related under a common ownership structure with a person, business, or entity described in paragraph (1).''.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 9816. Requirements with respect to prescription drug benefits.''.

(4) EFFECTIVE DATE.—The amendments made by paragraphs (1), (2), and (3) shall take effect on January 1, 2023.

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**SA 2226.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2639, strike line 6 and all that follows through page 2642, line 16, and insert the following:

(1) $27,500,000,000 shall be for a bridge replacement, rehabilitation, preservation, protection, and construction program, *Provided further*, That, except as otherwise provided under this paragraph, the funds made available under this paragraph shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That a project funded with funds made available under this paragraph shall be treated as a project on a Federal-aid highway: *Provided further*, That, of the funds made available under this paragraph for a fiscal year, 3 percent shall be set aside to carry out section 202(d) of title 23, United States Code: *Provided further*, That funds set aside under the preceding proviso to carry out section 202(d) of that title shall be in addition to funds otherwise made available to carry out that section and shall be administered as if made available under that section: *Provided further*, That for funds set aside under this paragraph to carry out section 202(d) of title 23, United States Code, the Federal share of the costs shall be 100 percent: *Provided further*, That up to ½ of 1 percent of the amounts made available under this paragraph in each fiscal year shall be for the administration and operations of the Federal Highway Administration: *Provided further*, That for the purposes of funds made available under this heading for a bridge replacement and rehabilitation program, (A) the term ''State'' means any of the 50 States or the District of Columbia; and (B) the term ''qualifying State'' means any State in which the percentage of total deck area of bridges classified as in poor condition in such State is at least 5 percent or in which the percentage of total bridges classified as in poor condition in such State is at least 5 percent: *Provided further*, That, of the funds made available under this heading for a bridge replacement and rehabilitation program, the Secretary shall reserve $300,000,000 for each State that does not meet the definition of a qualifying State: *Provided further*, That, after making the reservations under the preceding proviso, the Secretary shall distribute the remaining funds made available under this heading for a bridge replacement and rehabilitation program to each qualifying State by the proportion that the percentage of total deck area of bridges classified as in poor condition in such qualifying State bears to the sum of the percentages of total deck area of bridges classified as in poor condition in all qualifying States: *Provided further*, That for the bridge replacement and rehabilitation program, no qualifying State shall receive more than $1,500,000,000, each State shall receive an amount not less than $300,000,000, and after calculating the distribution of funds pursuant to the preceding proviso, any amount in excess of $1,500,000,000 shall be redistributed equally among each State that does not meet the definition of a qualifying State: *Provided further*, That funds provided to States that do not meet the definition of a qualifying State for the bridge replacement and rehabilitation program shall be (A) merged with amounts made available to such State under this paragraph; (B) available for activities eligible under this paragraph; and (C) administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That, except as provided in the preceding proviso, the funds made available under this heading for a bridge replacement and rehabilitation program shall be used for highway bridge replacement or rehabilitation projects on public roads: *Provided further*, That for purposes of this heading for the bridge replacement and rehabilitation program, the Secretary shall calculate the percentages of total deck area of bridges (including the percentages of total deck area classified as in poor and the percentages of total bridge counts (including the percentages of total bridges classified as in poor condition) based on the National Bridge Inventory as of December 31, 2018:

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**SA 2227.** Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1839, line 9, strike ''in accordance with'' and insert ''and as provided for in''.

On page 2498, line 7, strike ''in accordance with'' and insert ''and as provided for in''.

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**SA 2228.** Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division J, insert the following:

SEC. _____. None of the funds made available by this Act may be used to transport an alien (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) who is unlawfully present in the United States and who—

(1) has not been tested for COVID–19 during the preceding 10-day period;

(2) has not been fully vaccinated against COVID–19; or

(3) has symptoms of COVID-19.

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**SA 2229.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER,

and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, add the following:

**SEC. 27005. REPORT ON CERTAIN USES OF FEDERAL FUNDS.**

(a) DEFINITIONS.—In this section:

(1) DEPARTMENT PROVIDED FUNDS.—The term ''Department provided funds'' means amounts provided by the Department as financial assistance or pursuant to a financial assistance agreement.

(2) FINANCIAL ASSISTANCE.—The term ''financial assistance'' includes grants, subgrants, contracts, cooperative agreements, and any other form of financial assistance.

(3) REPORTABLE NONWORKING TIME.—The term ''reportable nonworking time'' means any time—

(A) during which an employee is not working; and

(B) for which the employee receives from an individual or entity employing the employee standby pay or any other form of payment or compensation from Department provided funds.

(b) REPORT.—Not later than 60 days after the last day of each fiscal year, each individual or entity that receives Department provided funds under this Act or any other law during that fiscal year shall submit to the Secretary a report describing all reportable nonworking time of the employees of the individual or entity during that fiscal year, including, with respect to each project associated with that reportable nonworking time—

(1) the name and location of the project;

(2) the number of employees compensated for reportable nonworking time;

(3) the reason why each such employee was not working;

(4) the quantity of reportable nonworking time for which each such employee was compensated; and

(5) the amount of Department provided funds expended to compensate each such employee for reportable nonworking time.

(c) GUIDANCE.—Not later than 120 days after the date of enactment of this Act, the Secretary, in consultation with the Director of the Office of Management and Budget, shall issue guidance to assist individuals and entities in determining whether an employee—

(1) is not working for purposes of subsection (a)(3)(A); and

(2) has received payment or compensation from Department provided funds for purposes of subsection (a)(3)(B).

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**SA 2230.** Mr. BRAUN (for himself, Ms. DUCKWORTH, Ms. LUMMIS, Mr. PADILLA, Mr. INHOFE, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle E of title I of division A, insert the following:

**SEC. 115____. TREATMENT OF PAYCHECK PROTECTION PROGRAM LOAN FORGIVENESS UNDER HIGHWAY AND PUBLIC TRANSPORTATION PROJECT COST REIMBURSEMENT CONTRACTS.**

Notwithstanding section 31.201–5 of title 48, Code of Federal Regulations (or successor regulations), for the purposes of any cost-reimbursement contract initially awarded in accordance with section 112 of title 23, United States Code, or section 5325 of title 49, United States Code, or any subcontract under such a contract, no cost reduction or cash refund shall be due to the Department of Transportation or to a State transportation department, transit agency, or other recipient of assistance under chapter 1 of title 23, United States Code, or chapter 53 of title 49, United States Code, on the basis of forgiveness of a covered loan, as defined in section 7A of the Small Business Act (15 U.S.C. 636m), pursuant to the provisions of that section.

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**SA 2231.** Mr. THUNE (for himself, Mr. MORAN, Ms. BALDWIN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In the third proviso under the heading ''DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM'' under the heading ''RURAL UTILITIES SERVICE'' under the heading ''RURAL DEVELOPMENT PROGRAMS'' under the heading ''DEPARTMENT OF AGRICULTURE'' in title I of division J, strike ''50 percent'' and insert ''80 percent''.

Strike the fourth proviso under the heading ''DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM'' under the heading ''RURAL UTILITIES SERVICE'' under the heading ''RURAL DEVELOPMENT PROGRAMS'' under the heading ''DEPARTMENT OF AGRICULTURE'' in title I of division J.

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**SA 2232.** Mr. HOEVEN (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV of division H, add the following:

**SEC. 804____. MOVE AMERICA BONDS.—**

(a) IN GENERAL.—

(1) MOVE AMERICA BONDS.—Subpart A of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 142 the following new section:

**''SEC. 142A. MOVE AMERICA BONDS.**

''(a) IN GENERAL.—

''(1) TREATMENT AS EXEMPT FACILITY BOND.—Except as otherwise provided in this section, a Move America bond shall be treated for purposes of this part as an exempt facility bond.

''(2) EXCEPTIONS.—

''(A) NO GOVERNMENT OWNERSHIP REQUIREMENT.—Paragraph (1) of section 142(b) shall not apply to any Move America bond.

''(B) SPECIAL RULES FOR HIGH-SPEED RAIL BONDS.—Paragraphs (2) and (3) of section 142(i) shall not apply to any Move America bond described in subsection (b)(6).

''(C) SPECIAL RULES FOR HIGHWAY AND SURFACE TRANSPORTATION FACILITIES.—Paragraphs (2), (3), and (4) of section 142(m) shall not apply to any Move America bond described in subsection (b)(7).

''(b) MOVE AMERICA BOND.—For purposes of this part, the term 'Move America bond' means any bond issued as part of an issue 95 percent or more of the net proceeds of which are used to provide—

''(1) airports,

''(2) docks and wharves, including—

''(A) waterborne mooring infrastructure,

''(B) dredging in connection with a dock or wharf, and

''(C) any associated rail and road infrastructure for the purpose of integrating modes of transportation,

''(3) mass commuting facilities,

''(4) facilities for the furnishing of water (within the meaning of section 142(e)),

''(5) sewage facilities,

''(6) railroads (as defined in section 20102 of title 49, United States Code) and any associated rail and road infrastructure for the purpose of integrating modes of transportation,

''(7) any—

''(A) surface transportation project which is eligible for Federal assistance under title 23, United States Code (as in effect on the date of the enactment of this section),

''(B) project for an international bridge or tunnel for which an international entity authorized under Federal or State law is responsible and which is eligible for Federal assistance under title 23, United States Code (as so in effect), or

''(C) facility for the transfer of freight from truck to rail or rail to truck (including any temporary storage facilities directly related to such transfers) which is eligible for Federal assistance under either title 23 or title 49, United States Code (as so in effect),

''(8) flood diversions,

''(9) inland waterways, including construction and rehabilitation expenditures for navigation on any inland or intracoastal waterways of the United States (within the meaning of section 4042(d)(2)), or

''(10) rural broadband service infrastructure.

''(c) DEFINITIONS.—For purposes of this section—

''(1) FLOOD DIVERSIONS.—The term 'flood diversion' means any flood damage risk reduction project authorized under any Act for authorizing water resources development projects.

''(2) RURAL BROADBAND SERVICE INFRASTRUCTURE.—The term 'rural broadband service infrastructure' means the construction, improvement, or acquisition of facilities and equipment for the provision of broadband services (as defined in section 601 of the Rural Electrification Act of 1936) which—

''(A) meet the minimum requirements in effect under section 601(e) of such Act, and

''(B) will be provided in an area which—

''(i) is a rural area (as defined in section 601 of such Act), and

''(ii) meets the requirements of clauses (i) and (ii) of section 601(d)(2)(A) of such Act.

''(d) MOVE AMERICA VOLUME CAP.—

''(1) IN GENERAL.—The aggregate face amount of Move America bonds issued pursuant to an issue, when added to the aggregate face amount of Move America bonds previously issued by the issuing authority during the calendar year, shall not exceed such

issuing authority's Move America volume cap for such year.

''(2) MOVE AMERICA VOLUME CAP.—For purposes of this subsection—

''(A) IN GENERAL.—The Move America volume cap for any calendar year is an amount equal to 25 percent of the State ceiling under section 146(d) for such State for such calendar year.

''(B) ALLOCATION OF VOLUME CAP.—Each State may allocate the Move America volume cap of such State among governmental units (or other authorities) in such State having authority to issue private activity bonds.

''(3) CARRYFORWARDS.—

''(A) IN GENERAL.—If—

''(i) an issuing authority's Move America volume cap, exceeds

''(ii) the aggregate amount of Move America bonds issued during such calendar year by such authority,

any Move America bond issued by such authority during the 5-calendar-year period following such calendar year shall not be taken into account under paragraph (1) to the extent the amount of such bonds does not exceed the amount of such excess. Any excesses arising under this paragraph shall be used under this paragraph in the order of calendar years in which the excesses arose.

''(B) REALLOCATION OF UNUSED CARRYFORWARDS.—

''(i) IN GENERAL.—The Move America volume cap under paragraph (2)(A) for any State for any calendar year shall be increased by any amount allocated to such State by the Secretary under clause (ii).

''(ii) REALLOCATION.—The Secretary shall allocate to each qualified State for any calendar year an amount which bears the same ratio to the aggregate unused carryforward amounts of all issuing authorities in all States for such calendar year as the qualified State's population for the calendar year bears to the population of all qualified States for the calendar year. For purposes of the preceding sentence, population shall be determined in accordance with section 146(j).

''(iii) QUALIFIED STATE.—For purposes of this subparagraph, the term 'qualified State' means, with respect to a calendar year, any State—

''(I) which allocated its entire Move America volume cap for the preceding calendar year, and

''(II) for which a request is made (not later than May 1 of the calendar year) to receive an allocation under clause (ii).

''(iv) UNUSED CARRYFORWARD AMOUNT.—For purposes of this paragraph, the term 'unused carryforward amount' means, with respect to any issuing authority for any calendar year, the excess of—

''(I) the amount of the excess described in subparagraph (A) for the sixth preceding calendar year, over

''(II) the amount of bonds issued by such issuing authority to which subparagraph (A) applied during the 5 preceding calendar years.

''(4) FACILITY MUST BE LOCATED WITHIN STATE.—

''(A) IN GENERAL.—No portion of the Move America volume cap of an issuing authority for any calendar year may be used with respect to financing for a facility located outside of the authority's State.

''(B) EXCEPTION FOR CERTAIN FACILITIES WHERE STATE WILL GET PROPORTIONATE SHARE OF BENEFIT.—Subparagraph (A) shall not apply to any Move America bond the proceeds of which are used to provide a facility described in paragraph (4) or (5) of subsection (b) if the issuer establishes that the State's share of the use of the facility will equal or exceed the State's share of the private activity bonds issued to finance the facility.

''(e) APPLICABILITY OF CERTAIN FEDERAL LAWS.—

''(1) IN GENERAL.—An issue shall not be treated as an issue under subsection (b) unless the facility for which the proceeds of such issue are used meets the requirements applicable to construction, alteration, or repair of similar facilities under any Federal law that would apply if the facility were funded or financed under any other Federal program (including under titles 23, 40, and 49, United States Code) which would otherwise apply to similar facilities.

''(2) PUBLIC TRANSPORTATION CAPITAL PROJECTS.—In addition to the requirements of paragraph (1), an issue the proceeds of which are used to finance a capital project (as defined in section 5302(3) of title 49, United States Code) relating to public transportation (as defined in section 5302(14) of such title) shall not be treated as an issue under subsection (b) unless such project complies with the requirements of chapter 53 of title 49, United States Code.

''(f) SPECIAL RULE FOR ENVIRONMENTAL REMEDIATION COSTS FOR DOCKS AND WHARVES.—For purposes of this section, amounts used for working capital expenditures relating to environmental remediation required under State or Federal law at or near a facility described in subsection (b)(2) (including environmental remediation in the riverbed and land within or adjacent to the Federal navigation channel used to access such facility) shall be treated as an amount used to provide for such a facility.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations requiring States to report the amount of Move America volume cap of the State carried forward for any calendar year under subsection (d)(3).''.

(2) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 142 the following new item:

''Sec. 142A. Move America bonds.''.

(b) APPLICATION OF OTHER PRIVATE ACTIVITY BOND RULES.—

(1) TREATMENT UNDER PRIVATE ACTIVITY BOND VOLUME CAP.—Subsection (g) of section 146 of the Internal Revenue Code of 1986, as amended by sections 80401 and 80402, is amended by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting '', and'', and by inserting after paragraph (6) the following new paragraph:

''(7) any Move America bond.''.

(2) SPECIAL RULE ON USE FOR LAND ACQUISITION.—Subparagraph (A) of section 147(c)(1) of the Internal Revenue Code of 1986 is amended by inserting ''(50 percent in the case of any issue of Move America bonds)'' after ''25 percent''.

(3) SPECIAL RULES FOR REHABILITATION EXPENDITURES.—

(A) INCLUSION OF CERTAIN EXPENDITURES.—Subparagraph (B) of section 147(d)(3) of the Internal Revenue Code of 1986 is amended by inserting '', except that, in the case of any Move America bond, such term shall include any expenditure described in clause (v) thereof'' before the period at the end.

(B) PERIOD FOR EXPENDITURES.—Subparagraph (C) of section 147(d)(3) of such Code is amended by inserting ''(5 years, in the case of any Move America bond)'' after ''2 years''.

(c) TREATMENT UNDER THE ALTERNATIVE MINIMUM TAX.—Subparagraph (C) of section 57(a)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(vii) EXCEPTION FOR MOVE AMERICA BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any Move America bond (as defined in section 142A).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued in calendar years beginning after the date of the enactment of this Act.

**SEC. 804___. MOVE AMERICA CREDITS.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the section 42 the following new section:

**''SEC. 42A. MOVE AMERICA CREDITS.**

''(a) MOVE AMERICA EQUITY CREDITS.—

''(1) IN GENERAL.—For purposes of section 38, the Move America equity credit for any taxable year in the credit period is an amount equal to 10 percent of the qualified basis of each qualified facility.

''(2) DEFINITIONS.—For purposes of this section—

''(A) QUALIFIED BASIS.—

''(i) IN GENERAL.—The qualified basis of any qualified facility is the portion of the eligible basis of such facility to which the State has allocated an amount of the State credit limitation under subsection (c)(3)(A)(i).

''(ii) DETERMINATION.—The qualified basis of a facility for purposes of all taxable years in the credit period shall be determined as of the date of the last day of the calendar year in which the qualified facility is placed in service.

''(iii) EXCEPTION.—Notwithstanding any other provision of this section, the qualified basis of any qualified facility shall be zero unless the chief executive officer (or the equivalent) of the local jurisdiction in which the qualified facility is located is provided a reasonable opportunity to comment on the qualified facility.

''(B) QUALIFIED FACILITY.—The term 'qualified facility' means a facility described in section 142A(b), but only if such facility—

''(i) meets the requirements applicable to similar facilities under any Federal law which would apply if the facility were financed under any other Federal program (including titles 23, 40, and 49, United States Code),

''(ii) complies with the requirements of chapter 53 of title 49, United States Code, in the case of a capital project (as defined in section 5302(3) of title 49, United States Code) relating to public transportation (as defined in section 5302(14) of such title), and

''(iii) will be generally available for public use throughout the credit period.

''(C) CREDIT PERIOD.—

''(i) IN GENERAL.—Except as provided in clause (ii), the credit period with respect to any qualified facility is the period of 10 taxable years beginning with the first taxable year beginning in the calendar year in which the facility is placed in service.

''(ii) EARLY TERMINATION.—If at any time during the 10-taxable-year period described in clause (i) a facility ceases to be a qualified facility, or ceases and then recommences to be a qualified facility, the credit period with respect to such facility shall include only the taxable years in such 10-year period in which the facility was a qualified facility for the entire taxable year.

''(iii) DISPOSITIONS OF PROPERTY OR INTEREST RELATING TO QUALIFIED FACILITY.—A facility shall not cease to be a qualified facility solely by reason of the disposition of the facility (or an interest therein) if it is reasonably expected that such facility will otherwise continue to be a qualified facility.

''(iv) TREATMENT OF CREDIT IN CASE OF DISPOSITION.—If at any time during the 10-taxable-year period described in clause (i) a qualified facility (or an interest therein) is disposed of—

''(I) the credit under paragraph (1) for any year in such period beginning after the date of the disposal shall be allowed to the acquiring person, and not to the person disposing of the facility (or interest), and

''(II) the credit under paragraph (1) for the year of the disposal shall be allocated between such persons on the basis of the number of days during such year the facility (or interest) was held by each.

''(3) REALLOCATION.—

''(A) IN GENERAL.—If any qualified facility is not placed in service within 3 years of the date of the allocation under subsection (c)(3), the State shall rescind the allocation under subsection (c)(3)(A)(i). Any allocation so rescinded may be reallocated by the State under subsection (c) (including to qualified infrastructure funds for purposes of the credit under subsection (b)) within the calendar year in which it is so rescinded.

''(B) REVERSION.—Any rescinded allocation which is not reallocated under subparagraph (A) by the last day of the calendar year in which it is so rescinded shall revert to inclusion in the State's Move America volume cap under section 142A(d) as if it had never been exchanged under subsection (c)(1).

''(C) NO MULTIPLE REALLOCATIONS.—Any rescinded allocation which is reallocated under subparagraph (A) and is subsequently rescinded shall not be further reallocated and shall immediately revert to inclusion in the Move America volume cap as provided in subparagraph (B).

''(4) COORDINATION WITH DEDUCTION FOR DEPRECIATION, ETC.—The basis of any property taken into account in determining the qualified basis of a qualified facility with respect to which a credit is allowed under this section shall be reduced by the aggregate amount of the credit allowable under this section during all taxable years in the credit period which is properly allocable to the cost basis of such property. The Secretary shall provide for adjustments to basis in cases where the taxpayer is not allowed a full credit for all years in the credit period.

''(b) MOVE AMERICA INFRASTRUCTURE FUND CREDITS.—

''(1) ALLOWANCE OF CREDIT.—

''(A) IN GENERAL.—For purposes of section 38, in the case of a taxpayer who holds a Move America investment on a credit allowance date of such investment which occurs during the taxable year, the Move America infrastructure fund credit for such taxable year is an amount equal to 5 percent of the amount paid to the qualified infrastructure fund for such investment at its original issue.

''(B) CREDIT ALLOWANCE DATE.—For purposes of subparagraph (A), except as provided in paragraph (3), the term 'credit allowance date' means with respect to any Move America investment—

''(i) the date on which such investment is initially made, and

''(ii) each of the 9 anniversary dates of such date thereafter.

''(2) DEFINITIONS.—For purposes of this section—

''(A) MOVE AMERICA INVESTMENT.—

''(i) IN GENERAL.—The term 'Move America investment' means any equity investment in a qualified infrastructure fund, if—

''(I) such investment is acquired by the taxpayer at its original issue solely in exchange for cash,

''(II) substantially all of such cash is used by the qualified infrastructure fund to make qualified investments, and

''(III) such investment is designated for purposes of this subsection by the qualified infrastructure fund, including a designation of the qualified investment which will be made with such investment.

''(ii) LIMITATION.—

''(I) IN GENERAL.—The maximum amount of equity investments issued by a qualified infrastructure fund in a calendar year which may be designated under clause (i)(III) by such fund shall not exceed 200 percent of the portion of the State credit limitation allocated under subsection (c)(3)(A)(ii) to such fund in such calendar year.

''(II) EXPIRATION.—If the limitation determined under subclause (I) with respect to an infrastructure fund for a calendar year exceeds the amount of equity investments designated under clause (i)(III) by such fund in such year, the State shall rescind such excess allocation. Any allocation so rescinded may be reallocated by the State under subsection (c) (including to qualified facilities for purposes of the credit under subsection (a)) within the immediately succeeding calendar year.

''(III) REVERSION.—Any rescinded allocation which is not reallocated under subclause (II) by the last day of such immediately succeeding calendar year shall revert to inclusion in the State's Move America volume cap under section 142A(d) as if it had never been exchanged under subsection (c)(1).

''(IV) NO MULTIPLE REALLOCATIONS.—Any rescinded allocation which is reallocated under subclause (II) and is subsequently rescinded shall not be further reallocated and shall immediately revert to inclusion in the Move America volume cap as provided in subclause (III).

''(iii) SAFE HARBOR FOR DETERMINING USE OF CASH.—The requirement of clause (i)(II) shall be treated as met if at least 95 percent of the aggregate gross assets of the qualified infrastructure fund (determined without regard to any cash received under clause (i)(I) that has not been invested in any other asset before the date that is 3 years after the date such cash is received) are invested in qualified investments.

''(iv) TREATMENT OF SUBSEQUENT PURCHASERS.—The term 'Move America investment' includes any equity investment which would (but for clause (i)(I)) be a Move America investment in the hands of the taxpayer if such investment was a Move America investment in the hands of a prior holder.

''(B) QUALIFIED INFRASTRUCTURE FUND.—The term 'qualified infrastructure fund' means—

''(i) a State infrastructure bank established under section 610 of title 23, United States Code,

''(ii) a water pollution control revolving fund established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.),

''(iii) a drinking water treatment revolving loan fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), or

''(iv) an equivalent fund established or designated by the State or any instrumentality thereof and certified by the Secretary as having a primary purpose of financing qualified facilities.

In the case of a fund described in clause (ii) or (iii), the amount of any Move America investment shall not be included in determining the amount of State or other non-Federal contributions to such fund.

''(C) QUALIFIED INVESTMENT.—The term 'qualified investment' means an investment (whether by loan, loan guarantee, or equity investment) in—

''(i) qualified facilities, or

''(ii) in the case of a fund described in clause (i), (ii), or (iii) of subparagraph (B), projects and activities for which such funds are authorized to be used under any other provision of law.

''(3) EARLY TERMINATION.—

''(A) IN GENERAL.—If at any time during the compliance period the fund which issued a Move America investment ceases to be a qualified infrastructure fund, or ceases and then recommences to be a qualified infrastructure fund, any date described in paragraph (1)(B) (including the date described in clause (i) thereof) occurring in—

''(i) the taxable year in which the fund ceased to be a qualified infrastructure fund, or

''(ii) any other taxable year in such period in which the fund is not a qualified infrastructure fund for the entire taxable year,

shall not be treated as a credit allowance date for purposes of paragraph (1).

''(B) COMPLIANCE PERIOD.—For purposes of subparagraph (A), the term 'compliance period' means the 10-taxable-year period beginning with the taxable year that includes the date of the original issue of the Move America investment.

''(C) LOSS OF QUALIFICATION.—A fund shall cease to be a qualified infrastructure fund as of the date more than 5 percent of the investments made by the fund are not qualified investments. For purposes of the preceding sentence, the amount of any cash received under subparagraph (A)(i)(I) that has not been invested in any other asset before the date that is 3 years after the date such cash is received shall not be taken into account in determining investments made by the fund.

''(D) EXPIRATION OF CREDIT.—If substantially all of the cash paid for any Move America investment is not used to make qualified investments designated under paragraph (2)(A)(i)(III) within 3 years of the date of original issue of such investment, any date described in paragraph (1)(B) occurring in a taxable year which ends after the date which is 3 years after such date of original issue shall not be treated as a credit allowance date for purposes of paragraph (1).

''(c) MOVE AMERICA CREDIT ALLOCATION.—

''(1) EXCHANGE OF MOVE AMERICA BOND VOLUME CAP.—

''(A) IN GENERAL.—If a State has in effect a qualified allocation plan for a calendar year, the State may exchange (in such manner as the Secretary may prescribe) all or a portion of the State's Move America volume cap under section 142A(d) for such year for a State credit limitation.

''(B) LIMITATION.—The amount of a State's Move America volume cap for a calendar year which may be exchanged under subparagraph (A) shall not include any portion of such cap which is attributable to an amount of State credit limitation which has reverted under paragraph (3)(D) or subsection (a)(3)(B) or (b)(2)(A)(ii)(IV).

''(2) STATE CREDIT LIMITATION.—For purposes of this section, the State credit limitation with respect to any State for a calendar year is a dollar amount equal to 25 percent of the Move America volume cap exchanged under paragraph (1) for such calendar year.

''(3) ALLOCATION.—

''(A) IN GENERAL.—A State may allocate the State credit limitation, according to the qualified allocation plan, for any calendar year among—

''(i) qualified facilities in the State for purposes of the Move America equity credit under subsection (a), and

''(ii) qualified infrastructure funds in the State for purposes of the Move America infrastructure fund credit under subsection (b).

''(B) QUALIFIED ALLOCATION PLAN.—

''(i) IN GENERAL.—For purposes of this subsection, the term 'qualified allocation plan' means any plan—

''(I) which sets forth selection criteria to be used in determining infrastructure priorities of the State and allocating the State credit limitation among facilities (in accordance with clause (ii)) and infrastructure funds in the State, and

''(II) which provides a procedure that the State (or an agent or other private contractor of the State) will follow in monitoring for noncompliance with the provisions of this section and in notifying the Internal Revenue Service of such noncompliance.

''(ii) LIMITATION BASED ON FACILITY FEASIBILITY FOR MOVE AMERICA EQUITY CREDITS.—

''(I) IN GENERAL.—In the case of an allocation with respect to any qualified facility for purposes of the Move America equity credit under subsection (a), such allocation shall not exceed the minimum amount which the State transportation authority or other applicable agency determines is required for the financial feasibility of the facility and its viability for completion and availability for public use throughout the credit period.

''(II) MINIMUM FEASIBILITY DETERMINATION.—In making the determination under subclause (I), such entity shall consider the sources and uses of funds and the total financing planned for the facility, any proceeds or receipts expected to be generated by reason of tax benefits, the reasonableness of the developmental and operational costs of the facility over the full expected operational life of the facility, ancillary costs (including right-of-way and procurement costs), financing costs, and retained and transferred risk.

''(C) SPECIAL RULES RELATING TO MOVE AMERICA EQUITY CREDIT.—

''(i) LIMITATION.—The amount allocated to a qualified facility under subparagraph (A)(i) shall not exceed the eligible basis of such facility.

''(ii) ELIGIBLE BASIS.—For purposes of this section, except as provided in clause (iii), the eligible basis of any qualified facility is the lesser of—

''(I) the portion of the basis of such facility which is attributable to the aggregate amount of equity investment of all taxpayers in the costs of the facility which are subject to the allowance for depreciation (determined as of the last day of the calendar year in which the facility is placed in service), or

''(II) 20 percent of the costs of the facility which are subject to the allowance for depreciation (determined as of the last day of the calendar year in which the facility is placed in service).

''(iii) EXCLUSION OF GOVERNMENT ASSISTANCE.—Eligible basis shall not include any portion of the basis of such facility which is attributable to any assistance or financing provided by a Federal, State, or local government (determined as of the last day of the calendar year in which the facility is placed in service).

''(D) REVERSION OF UNALLOCATED LIMITATION.—Any portion of the State credit limitation for any calendar year which remains unallocated as of the last day of such calendar year shall revert to inclusion in the State's Move America volume cap under section 142A(d) as if it had never been exchanged under paragraph (1).''.

(b) CREDITS MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''plus'' at the end of paragraph (32),

(2) by striking the period at the end of paragraph (33) and inserting a comma, and

(3) by adding at the end the following new paragraphs:

''(34) the Move America equity credit under section 42A(a)(1), plus

''(35) the Move America infrastructure fund credit under section 42A(b)(1).''.

(c) TREATMENT UNDER ALTERNATIVE MINIMUM TAX AND BASE EROSION TAX.—

(1) ALTERNATIVE MINIMUM TAX.—Section 38(c)(4)(B) of the Internal Revenue Code of 1986 is amended by redesignating clauses (iv) through (xii) as clauses (vi) through (xiv), respectively, and by inserting after clause (iii) the following new clauses:

''(iv) the credit determined under section 42A(a)(1),

''(v) the credit determined under section 42A(b)(1),''.

(2) BASE EROSION TAX.—Section 59A(b)(1)(B)(ii) of such Code is amended by striking ''plus'' at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

''(II) the credit allowed under section 38 for the taxable year which is properly allocable to the sum of the Move America equity credit under section 42A(a)(1) and the Move America infrastructure fund credit under section 42A(b)(1), plus''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 42 the following new item:

''Sec. 42A. Move America credits.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(f) REPORTING.—A State shall, at such time and in such manner as the Secretary of the Treasury shall require, report—

(1) to the Secretary of the Treasury—

(A) the amount of the Move America volume cap of the State for the calendar year which is exchanged under section 42A(c)(1) of the Internal Revenue Code of 1986 for a State credit limitation;

(B) the amount (if any) of the State credit limitation allocated under section 42A(c)(3)(A)(i) of such Code to qualified facilities, the amount so allocated to each such facility, and the taxpayer with respect to such facility (including the name of the taxpayer and any other identifying information as the Secretary of the Treasury shall require); and

(C) the amount (if any) of the State credit limitation allocated under section 42A(c)(3)(A)(ii) of such Code to qualified infrastructure funds, the amount so allocated to each such fund, and each taxpayer holding any Move America investment with respect to any such fund (including the name of the taxpayer and any other identifying information as the Secretary of the Treasury shall require);

(2) to the Secretary of the Treasury and any taxpayer who is the sponsor of a qualified facility receiving an allocation under section 42A(c)(3)(A)(i) of such Code, the date on which the qualified facility is placed in service; and

(3) to the Secretary of the Treasury and any taxpayer holding a Move America investment, a certification that the entity which issued the investment is a qualified infrastructure fund and that the investment will be used to make qualified investments designated for purposes of section 42A(b)(2)(A)(i)(III) of the Internal Revenue Code of 1986.

For purposes of this subsection, any term used in this subsection that is also used in section 42A or 142A of such Code has the same meaning as when used in such section.

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**SA 2233.** Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

**SEC. _____. E–VERIFY COMPLIANCE REQUIREMENT.**

(a) LIMITATION.—Notwithstanding any other provision of law, Federal assistance, grants, subgrants, contracts, and subcontracts authorized under this Act may only be awarded to entities that have enrolled in, and maintain compliance with all statutes, regulations, and policies regarding the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(b) REQUIREMENT.—Any entity that has not previously enrolled in, or had enrolled but did not maintain compliance with all statutes, regulations, and policies regarding, the E–Verify Program shall enroll in and certify compliance with such statutes, regulations and policies before being eligible to receive any Federal assistance, grants, subgrants, contracts, or subcontracts authorized under this Act.

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**SA 2234.** Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

**SEC. _____. PROCUREMENT FOR BORDER WALL CONSTRUCTION.**

(a) TERMINATION OF PRESIDENTIAL PROCLAMATION 10142.—

(1) IN GENERAL.—Notwithstanding any other provision of law, beginning on the date of the enactment of this Act—

(A) the Secretary of Homeland Security or any other Federal official may not implement the provisions of Presidential Proclamation 10142; and

(B) all regulations, policies, and operational guidance contained in such proclamation that have been implemented shall be immediately terminated.

(2) REVERSION TO PRIOR TERMS.—Notwithstanding any other provision of law, upon the termination of all regulations, policies, and operational modifications that have been issued to implement Presidential Proclamation 10142, all contracts for the construction or improvement of any physical barrier along the United States border shall be carried out in accordance with the terms set in effect before January 20, 2021.

(b) PROHIBITION OF CONTRACT MODIFICATIONS.—The Secretary of Homeland Security may not carry out any successor Executive Order, Presidential Proclamation, regulation, policy guidance, or operational guidance that seeks to cancel, invalidate, breach, terminate, or impose additional environmental, agricultural, or other reviews required by statute or regulation upon contracts that the Federal Government has already awarded for the construction or improvement of any physical barrier along the United States border.

**SA 2235.** Mr. KELLY (for himself, Mr. CRUZ, Mr. BURR, Mr. HICKENLOOPER, and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

**SEC. 115___. HIGHWAY FORMULA MODERNIZATION STUDY.**

(a) IN GENERAL.—The Secretary, in consultation with the State departments of transportation and representatives of local governments (including metropolitan planning organizations), shall conduct a highway formula modernization study to assess the method and data used to apportion Federal-aid highway funds under subsections (b) and (c) of section 104 of title 23, United States Code, and issue recommendations relating to that method and data.

(b) ASSESSMENT.—The highway formula modernization study required under subsection (a) shall include an assessment of, based on the latest available data, whether the apportionment method described in that subsection results in—

(1) an equitable distribution of funds based on the estimated tax payments attributable to—

(A) highway users in the State that are paid into the Highway Trust Fund; and

(B) individuals in the State that are paid to the Treasury, based on contributions to the Highway Trust Fund from the general fund of the Treasury; and

(2) the achievement of the goals described in section 101(b)(3) of title 23, United States Code.

(c) CONSIDERATIONS.—In the assessment under subsection (b), the Secretary shall consider the following:

(1) The factors described in sections 104(b), 104(f)(2), 104(h)(2), 130(f), and 144(e) of title 23, United States Code, as in effect on the date of enactment of SAFETEA–LU (Public Law 109–59; 119 Stat. 1144).

(2) The availability and accuracy of data necessary to calculate formula apportionments under the factors described in paragraph (1).

(3) The measures established under section 150 of title 23, United States Code, and whether those measures are appropriate for consideration as formula apportionment factors.

(4) Any other factors that the Secretary determines are appropriate.

(d) RECOMMENDATIONS.—The Secretary, in consultation with the State departments of transportation and representatives of local governments (including metropolitan planning organizations), shall develop recommendations on a new apportionment method, including—

(1) the factors recommended to be included in the new apportionment method;

(2) the weighting recommended to be applied to the factors recommended under paragraph (1); and

(3) any other recommendations to ensure that the new apportionment method best achieves an equitable distribution of funds described under subsection (b)(1) and the goals described in subsection (b)(2).

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**SA 2236.** Mr. WYDEN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1225, strike lines 5 and 6 and insert the following:

the transit worker.'';

(3) in subparagraph (E) of paragraph (2) (as so redesignated)—

(A) by striking ''and the installation'' and inserting '', the installation''; and

(B) by inserting '', and bikeshare projects'' after ''public transportation vehicles''; and

(4) in subparagraph (G) of paragraph (4) (as

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**SA 2237.** Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40901, strike paragraphs (11) and (12) and insert the following:

(11) $100,000,000 for multi-benefit projects to improve watershed health in accordance with section 40907;

(12) $50,000,000 for endangered species recovery and conservation programs in the Colorado River Basin in accordance with—

(A) Public Law 106–392 (114 Stat. 1602);

(B) the Grand Canyon Protection Act of 1992 (Public Law 102–575; 106 Stat. 4669); and

(C) subtitle E of title IX of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1327); and

(13) $500,000,000 for rural water supply projects that serve Indian Tribes under the rural water supply program under section 103 of the Rural Water Supply Act of 2006 (43 U.S.C. 2402), with priority to be given to funding rural water supply projects that respond to emergency situations in which a lack of access to clean drinking water threatens the health of a Tribal population.

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**SA 2238.** Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division D, insert the following:

**SEC. 402___. CRITICAL MINERAL MINING PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) CRITICAL MINERAL.—The term ''critical mineral'' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity engaged in or intending to engage in—

(A) the mining, processing, refining, alloying, separating, smelting, concentrating, or beneficiating of critical minerals or the reprocessing or recycling of mine tailings, smelter or refinery slags, or residues; or

(B) any other value-added, mining-related, manufacturing-related, or processing-related use of critical minerals undertaken within the United States.

(3) ELIGIBLE MINERAL.—The term ''eligible mineral'' means each of the critical minerals identified by the Secretary and the Secretary of Defense under subsection (b)(2)(A).

(4) PROGRAM.—The term ''program'' means the competitive grant program established under subsection (b)(1).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Defense, shall establish a program to use amounts from the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4534) to award competitive grants to eligible entities for the processing, refining, alloying, separating, smelting, concentrating, or beneficiating of eligible minerals.

(2) DETERMINATION; IDENTIFICATION.—

(A) ELIGIBLE MINERALS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Defense, in coordination with the National Economic Council, shall jointly identify 10 critical minerals that are the most critical for manufacturing.

(B) SUITABLE LOCATIONS.—The Secretary, in coordination with the Secretary of Defense, shall identify Federal and non-Federal land for which it is economically feasible and environmentally sound to mine the eligible minerals.

(3) SELECTION.—

(A) APPLICATIONS.—An eligible entity seeking a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) SELECTION CRITERIA.—In awarding grants under the program, the Secretary shall only award grants to eligible entities that—

(i) have documented interests in constructing, expanding, or modernizing facilities that carry out an activity or use described in subparagraph (A) or (B) of subsection (a)(2); and

(ii) in the determination of the Secretary of Defense, in coordination with the Secretary, demonstrate strong labor protections, including prevailing wage requirements.

(4) USE OF FUNDS.—A grant under the program may be used for the environmental assessment, processing, mitigation, and cleanup necessary to mine, process, refine, alloy, separate, smelt, concentrate, or beneficiate eligible minerals on the Federal and non-Federal land identified under paragraph (2)(B).

(5) ENVIRONMENTAL LAWS.—In carrying out activities using a grant under the program, an eligible entity shall comply with—

(A) all applicable environmental laws (including regulations); and

(B) any other environmental standards determined to be necessary by the Secretary.

(6) FUNDING.—Notwithstanding any other provision of law, of the amounts available in the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4534), the Secretary, in coordination with the Secretary of Defense, may use

$50,000,000 each fiscal year to carry out the program.

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**SA 2239.** Mr. WYDEN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40803(a), strike ''$3,369,200,000'' and insert ''$9,882,000,000''.

In section 40803(c)(9), strike ''$20,000,000'' and insert ''$40,000,000''.

In section 40803(c)(9)(A), strike ''$10,000,000'' and insert ''$20,000,000''.

In section 40803(c)(9)(B), strike ''$10,000,000'' and insert ''$20,000,000''.

In section 40803(c)(11), strike ''$500,000,000'' and insert ''$1,500,000,000''.

In section 40803(c)(11)(B)(i), strike ''$100,000,000'' and insert ''$300,000,000''.

In section 40803(c)(11)(B)(ii), strike ''$400,000,000'' and insert ''$1,200,000,000''.

In section 40803(c)(12), strike ''$500,000,000'' and insert ''$1,500,000,000''.

In section 40803(c)(13), strike ''$500,000,000'' and insert ''$1,500,000,000''.

In section 40803(c)(13)(A), strike ''$250,000,000'' and insert ''$750,000,000''.

In section 40803(c)(13)(B), strike ''$250,000,000'' and insert ''$750,000,000''.

In section 40803(c)(14), strike ''$500,000,000'' and insert ''$1,500,000,000''.

In section 40803(c)(14)(A), strike ''$250,000,000'' and insert ''$750,000,000''.

In section 40803(c)(14)(B), strike ''$250,000,000'' and insert ''$750,000,000''.

In section 40803(c)(16), strike ''$200,000,000'' and insert ''$500,000,000''.

In section 40803(c)(16)(A), strike ''$100,000,000'' and insert ''$250,000,000''.

In section 40803(c)(16)(B), strike ''$100,000,000'' and insert ''$250,000,000''.

In section 40803(c)(17), strike ''$8,000,000'' and insert ''$20,000,000''.

In section 40803(c)(17)(B), strike ''and'' at the end.

In section 40803(c)(18), strike the period at the end and insert a semicolon.

At the end of section 40803(c), add the following:

(19) $500,000,000 to be distributed under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) to build capacity for wildfire prevention, mitigation, control, and suppression on non-Federal land;

(20) $1,500,000,000 for entering into contracts with Indian Tribes under the Indian Self-Determination Act (25 U.S.C. 5321 et seq.) for the purpose of implementing forestry projects that further Tribal priorities; and

(21) $50,000,000 for wood innovation relating to hazardous fuels under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.).

In section 40804(a), strike ''$2,130,000,000'' and insert ''$12,320,000,000''.

In section 40804(b)(1), strike ''$300,000,000'' and insert ''$1,000,000,000''.

In section 40804(b)(1)(B)(i), strike ''$50,000,000'' and insert ''$200,000,000''.

In section 40804(b)(1)(B)(ii), strike ''$150,000,000'' and insert ''$700,000,000''.

In section 40804(b)(4), strike ''$400,000,000'' and insert ''$1,000,000,000''.

In section 40804(b)(6), strike ''$200,000,000'' and insert ''$500,000,000''.

In section 40804(b)(6)(A), strike ''$100,000,000'' and insert ''$250,000,000''.

In section 40804(b)(6)(B), strike ''$100,000,000'' and insert ''$250,000,000''.

In section 40804(b)(7), strike ''$100,000,000'' and insert ''$500,000,000''.

In section 40804(b)(8), strike ''$200,000,000'' and insert ''$500,000,000''.

In section 40804(b)(8)(A), strike ''$100,000,000'' and insert ''$250,000,000''.

In section 40804(b)(8)(B), strike ''$100,000,000'' and insert ''$250,000,000''.

In section 40804(b)(9)(B), strike ''and''.

In section 40804(b)(10), strike the period at the end and insert a semicolon.

At the end of section 40804(b), add the following:

(11) $40,000,000 for the Secretary of Agriculture to create a national community capacity for land stewardship program to support collaborative conservation efforts on public land;

(12) $200,000,000 for grants for the acquisition of community wood energy systems under the Community Wood Energy and Wood Innovation Program established under section 9013 of the Farm Security and Rural Investment Act of 2003 (7 U.S.C. 8113);

(13) $100,000,000 for the State and private forest landscape-scale restoration program established under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a);

(14) $500,000,000 for forest health protection activities under section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104);

(15) $250,000,000 for activities under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) that focus on the working forest landscapes priority described in section 2(c)(1) of that Act (16 U.S.C. 2101(c)(1));

(16) $500,000,000 for the community forest and open space conservation program established under section 7A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103d);

(17) $100,000,000 for urban and community forestry assistance under section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105);

(18) $1,000,000,000 for vegetation and watershed management;

(19) $5,000,000,000 for capital improvements and maintenance; and

(20) $200,000,000 for the Joint Chiefs program.

In section 40804(e)(1), strike ''$45,000,000'' and insert ''$225,000,000''.

In section 40804(e)(1), strike ''$35,000,000'' and insert ''$175,000,000''.

In section 40804(e)(2)(A), strike ''$20,000,000'' and insert ''$100,000,000''.

In section 40804(e)(2)(B), strike ''$5,000,000'' and insert ''$25,000,000''.

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**SA 2240.** Mr. WYDEN (for himself, Mr. CRAPO, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40101(e)(2)(C) of division D, insert ''with respect to the same project'' after ''subsection (d)''.

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**SA 2241.** Mr. WYDEN (for himself, Mr. CRAPO, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

**SEC. _____. LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND.**

(a) IN GENERAL.—Section 605 of the Social Security Act (42 U.S.C. 805) is amended to read as follows:

**''SEC. 605. LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND.**

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $2,000,000,000 to remain available until September 30, 2023, with amounts to be obligated for each of fiscal years 2022 and 2023 in accordance with subsection (b), for making payments under this section to eligible revenue sharing recipients, eligible Tribal governments, and territories.

''(b) AUTHORITY TO MAKE PAYMENTS.—

''(1) ALLOCATIONS AND PAYMENTS TO ELIGIBLE REVENUE SHARING RECIPIENTS.—

''(A) ALLOCATIONS TO REVENUE SHARING COUNTIES.—For each of fiscal years 2022 and 2023, the Secretary shall reserve $742,500,000 of the total amount appropriated under subsection (a) to allocate to each revenue sharing county and, except as provided in subparagraph (B), pay to each revenue sharing county that is an eligible revenue sharing county amounts that are determined by the Secretary taking into account the amount of entitlement land in each revenue sharing county and the economic conditions of each revenue sharing county, using such measurements of poverty, household income, and unemployment over the most recent 20-year period as of September 30, 2021, to the extent data are available, as well as other economic indicators the Secretary determines appropriate.

''(B) SPECIAL ALLOCATION RULES.—

''(i) REVENUE SHARING COUNTIES WITH LIMITED GOVERNMENT FUNCTIONS.—In the case of an amount allocated to a revenue sharing county under subparagraph (A) that is a county with limited government functions, the Secretary shall allocate and pay such amount to each eligible revenue sharing local government within such county with limited government functions in an amount determined by the Secretary taking into account the amount of entitlement land in each eligible revenue sharing local government and the population of such eligible revenue sharing local government relative to the total population of such county with limited government functions.

''(ii) ELIGIBLE REVENUE SHARING COUNTY IN ALASKA.—In the case of the eligible revenue sharing county described in subparagraph (f)(3)(C), the Secretary shall pay the amount allocated to such eligible revenue sharing county to the State of Alaska. The State of Alaska shall distribute such payment to home rule cities and general law cities (as such cities are defined by the State) located within the boundaries of the eligible revenue sharing county for which the payment was received.

''(C) PRO RATA ADJUSTMENT AUTHORITY.—The amounts otherwise determined for allocation and payment under subparagraphs (A)

and (B) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are allocated and paid to eligible revenue sharing recipients in accordance with the requirements specified in each such subparagraph.

''(2) ALLOCATIONS AND PAYMENTS TO ELIGIBLE TRIBAL GOVERNMENTS.—For each of fiscal years 2022 and 2023, the Secretary shall reserve $250,000,000 of the total amount appropriated under subsection (a) to allocate and pay to eligible Tribal governments in amounts that are determined by the Secretary taking into account economic conditions of each eligible Tribe.

''(3) ALLOCATIONS AND PAYMENTS TO TERRITORIES.—For each of fiscal years 2022 and 2023, the Secretary shall reserve $7,500,000 of the total amount appropriated under subsection (a) to allocate and pay to each territory an amount which bears the same proportion to the amount reserved in this paragraph as the population of such territory bears to the total population of all such territories.

''(c) USE OF PAYMENTS.—An eligible revenue sharing recipient, an eligible Tribal government, or a territory may use funds provided under a payment made under this section for any governmental purpose other than a lobbying activity.

''(d) REPORTING REQUIREMENT.—Any eligible revenue sharing recipient, any eligible Tribal government, and any territory receiving a payment under this section shall provide to the Secretary periodic reports providing a detailed accounting of the uses of fund by such eligible revenue sharing recipient, eligible Tribal government, or territory, as applicable, and such other information as the Secretary may require for the administration of this section.

''(e) RECOUPMENT.—Any eligible revenue sharing recipient, any eligible Tribal government, or any territory that has failed to submit a report required under subsection (d) or failed to comply with subsection (c), shall be required to repay to the Secretary an amount equal to—

''(1) in the case of a failure to comply with subsection (c), the amount of funds used in violation of such subsection; and

''(2) in the case of a failure to submit a report required under subsection (d), such amount as the Secretary determines appropriate, but not to exceed 5 percent of the amount paid to the eligible revenue sharing recipient, the eligible Tribal government, or the territory under this section for all fiscal years.

''(f) DEFINITIONS.—In this section:

''(1) COUNTY.—The term 'county' means a county, parish, or other equivalent county division (as defined by the Bureau of the Census) in 1 of the 50 States.

''(2) COUNTY WITH LIMITED GOVERNMENT FUNCTIONS.—The term 'county with limited government functions' means a county in which entitlement land is located that is not an eligible revenue sharing county.

''(3) ELIGIBLE REVENUE SHARING COUNTY.—The term 'eligible revenue sharing county' means—

''(A) a unit of general local government (as defined in section 6901(2) of title 31, United States Code) that is a county in which entitlement land is located and which is eligible for a payment under section 6902(a) of title 31, United States Code;

''(B) the District of Columbia; or

''(C) the combined area in Alaska that is within the boundaries of a census area used by the Secretary of Commerce in the decennial census, but that is not included within the boundary of a unit of general local government described in subparagraph (A).

''(4) ELIGIBLE REVENUE SHARING LOCAL GOVERNMENT.—The term 'eligible revenue sharing local government' means a unit of general local government (as defined in section 6901(2) of title 31, United States Code) in which entitlement land is located that is not a county or territory and which is eligible for a payment under section 6902(a) of title 31, United States Code.

''(5) ELIGIBLE REVENUE SHARING RECIPIENTS.—The term 'eligible revenue sharing recipients' means, collectively, eligible revenue sharing counties and eligible revenue sharing local governments.

''(6) ELIGIBLE TRIBAL GOVERNMENT.—The term 'eligible Tribal government' means the recognized governing body of an eligible Tribe.

''(7) ELIGIBLE TRIBE.—The term 'eligible Tribe' means any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of March 11, 2021, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

''(8) ENTITLEMENT LAND.—The term 'entitlement land' has the meaning given to such term in section 6901(1) of title 31, United States Code.

''(9) REVENUE SHARING COUNTY.—The term 'revenue sharing county' means—

''(A) an eligible revenue sharing county; or

''(B) a county with limited government functions.

''(10) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(11) TERRITORY.—The term 'territory' means—

''(A) the Commonwealth of Puerto Rico;

''(B) the United States Virgin Islands;

''(C) Guam;

''(D) the Commonwealth of the Northern Mariana Islands; or

''(E) American Samoa.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

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**SA 2242.** Mr. ROUNDS (for himself, Ms. SMITH, Mr. WARNOCK, Ms. LUMMIS, Ms. BALDWIN, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division C, insert the following:

**SEC. 300___. INCREASED FEDERAL SHARE OF OPERATING COSTS FOR CERTAIN AREAS.**

Section 5311(g)(2)(B) of title 49, United States Code, is amended—

(1) in the subparagraph heading, by striking ''EXCEPTION'' and inserting ''EXCEPTIONS'';

(2) by striking ''A State'' and inserting the following:

''(i) STATES WITH NONTAXABLE INDIAN LANDS OR PUBLIC DOMAIN LANDS.—Subject to clause (ii), a State''; and

(3) by adding at the end the following:

''(ii) AREAS WITH PARTICULAR NEEDS.—

''(I) DEFINITION.—In this clause, the term 'area of persistent poverty' means—

''(aa) any county in which not less than 20 percent of the population has lived in poverty during the most recent 30-year period, as measured by—

''(AA) the second and third most recent decennial censuses; and

''(BB) the Small Area Income and Poverty Estimates of the Bureau of the Census for the most recent year for which the Estimates are available; or

''(bb) any census tract with a poverty rate of not less than 20 percent, as measured by most recent 5-year data series available from the American Community Survey of the Bureau of the Census.

''(II) INCREASED FEDERAL SHARE.—A grant made under this section for operating assistance for a recipient or subrecipient that operates public transportation that serves an area that meets 1 or more of the criteria under subclause (III) shall be for 80 percent of the net operating costs of the project, as determined by the Secretary.

''(III) CRITERIA.—The criteria referred to in subclause (II) are that an area—

''(aa) is an area of persistent poverty;

''(bb) is a county in which not less than 25 percent of residents are age 65 or older, according to the most recent 5-year estimate of the American Community Survey of the Bureau of the Census;

''(cc) is a county that, or is a county that includes a site that—

''(AA) has been designated by the Secretary of Health and Human Services as a health professional shortage area under section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)) on the basis of a primary care or mental health care shortage; and

''(BB) received a health professional shortage area score for the most recent program year, with respect to primary care or mental health care, that was not less than the lowest minimum score, as designated by the Secretary of Health and Human Services for that program year, necessary for the site to be eligible for the assignment of National Health Service Corps members providing primary care or mental health care, respectively, for fulfillment of obligated service under the National Health Service Corps Scholarship Program; or

''(dd) is a county with a population density of not more than 20 persons per square mile of land area, based on the most recent decennial census.''.

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**SA 2243.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V of division D, insert the following:

**SEC. 40543. LUKE AND ALEX SCHOOL SAFETY ACT OF 2021.**

(a) SHORT TITLE.—This section may be cited as the ''Luke and Alex School Safety Act of 2021''.

(b) FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY BEST PRACTICES.—

(1) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by inserting after section 2215 the following:

**''SEC. 2216. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY BEST PRACTICES.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Education, the Attorney General, and the Secretary of Health and Human Services, shall establish a

Federal Clearinghouse on School Safety Best Practices (in this section referred to as the 'Clearinghouse') within the Department.

''(2) PURPOSE.—The Clearinghouse shall be the primary resource of the Federal Government to identify and publish online through SchoolSafety.gov, or any successor website, the best practices and recommendations for school safety for use by State and local educational agencies, institutions of higher education, State and local law enforcement agencies, health professionals, and the general public.

''(3) PERSONNEL.—

''(A) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

''(B) DETAILEES.—The Secretary of Education, the Attorney General, and the Secretary of Health and Human Services may detail personnel to the Clearinghouse.

''(4) EXEMPTIONS.—

''(A) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act') shall not apply to any rulemaking or information collection required under this section.

''(B) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply for the purposes of carrying out this section.

''(b) CLEARINGHOUSE CONTENTS.—

''(1) CONSULTATION.—In identifying the best practices and recommendations for the Clearinghouse, the Secretary may consult with appropriate Federal, State, local, Tribal, private sector, and nongovernmental organizations.

''(2) CRITERIA FOR BEST PRACTICES AND RECOMMENDATIONS.—The best practices and recommendations of the Clearinghouse shall, at a minimum—

''(A) involve comprehensive school safety measures, including threat prevention, preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of a school upon implementation;

''(B) include any evidence or research rationale supporting the determination of the Clearinghouse that the best practice or recommendation under subparagraph (A) has been shown to have a significant effect on improving the health, safety, and welfare of persons in school settings, including—

''(i) relevant research that is evidence-based, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), supporting the best practice or recommendation;

''(ii) findings and data from previous Federal or State commissions recommending improvements to the safety posture of a school; or

''(iii) other supportive evidence or findings relied upon by the Clearinghouse in determining best practices and recommendations to improve the safety posture of a school upon implementation; and

''(C) include information on Federal grant programs for which implementation of each best practice or recommendation is an eligible use for the program.

''(3) PAST COMMISSION RECOMMENDATIONS.—To the greatest extent practicable, the Clearinghouse shall present, as appropriate, Federal, State, local, Tribal, private sector, and nongovernmental organization issued best practices and recommendations and identify any best practice or recommendation of the Clearinghouse that was previously issued by any such organization or commission.

''(c) ASSISTANCE AND TRAINING.—The Secretary may produce and publish materials on the Clearinghouse to assist and train educational agencies and law enforcement agencies on the implementation of the best practices and recommendations.

''(d) CONTINUOUS IMPROVEMENT.—The Secretary shall—

''(1) collect for the purpose of continuous improvement of the Clearinghouse—

''(A) Clearinghouse data analytics;

''(B) user feedback on the implementation of resources, best practices, and recommendations identified by the Clearinghouse; and

''(C) any evaluations conducted on implementation of the best practices and recommendations of the Clearinghouse; and

''(2) in coordination with the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General—

''(A) regularly assess and identify Clearinghouse best practices and recommendations for which there are no resources available through Federal Government programs for implementation; and

''(B) establish an external advisory board, which shall be comprised of appropriate State, local, Tribal, private sector, and nongovernmental organizations, including organizations representing parents of elementary and secondary school students, to—

''(i) provide feedback on the implementation of best practices and recommendations of the Clearinghouse; and

''(ii) propose additional recommendations for best practices for inclusion in the Clearinghouse.

''(e) PARENTAL ASSISTANCE.—The Clearinghouse shall produce materials to assist parents and legal guardians of students with identifying relevant Clearinghouse resources related to supporting the implementation of Clearinghouse best practices and recommendations.''.

(2) TECHNICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2215 the following:

''Sec. 2216. Federal Clearinghouse on School Safety Best Practices.''.

(c) NOTIFICATION OF CLEARINGHOUSE.—

(1) NOTIFICATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education shall provide written notification of the publication of the Federal Clearinghouse on School Safety Best Practices (referred to in this subsection and subsection (d) as the ''Clearinghouse''), as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b), to—

(A) every State and local educational agency; and

(B) other Department of Education partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Education.

(2) NOTIFICATION BY THE SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b), to—

(A) every State homeland security advisor;

(B) every State department of homeland security; and

(C) other Department of Homeland Security partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Homeland Security.

(3) NOTIFICATION BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b), to—

(A) every State department of public health; and

(B) other Department of Health and Human Services partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Health and Human Services.

(4) NOTIFICATION BY THE ATTORNEY GENERAL.—The Attorney General shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b), to—

(A) every State department of justice; and

(B) other Department of Justice partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Attorney General.

(d) GRANT PROGRAM REVIEW.—

(1) FEDERAL GRANTS AND RESOURCES.—The Secretary of Education, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Attorney General shall each—

(A) review grant programs administered by their respective agency and identify any grant program that may be used to implement best practices and recommendations of the Clearinghouse;

(B) identify any best practices and recommendations of the Clearinghouse for which there is not a Federal grant program that may be used for the purposes of implementing the best practice or recommendation as applicable to the agency; and

(C) periodically report any findings under subparagraph (B) to the appropriate committees of Congress.

(2) STATE GRANTS AND RESOURCES.—The Clearinghouse shall, to the extent practicable, identify, for each State—

(A) each agency responsible for school safety in the State, or any State that does not have such an agency designated;

(B) any grant program that may be used for the purposes of implementing best practices and recommendations of the Clearinghouse; and

(C) any resources other than grant programs that may be used to assist in implementation of best practices and recommendations of the Clearinghouse.

(e) RULES OF CONSTRUCTION.—

(1) WAIVER OF REQUIREMENTS.—Nothing in this section or the amendments made by this section shall be construed to create, satisfy, or waive any requirement under—

(A) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.);

(B) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(C) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(D) title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); or

(E) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

(2) PROHIBITION ON FEDERALLY DEVELOPED, MANDATED, OR ENDORSED CURRICULUM.—Nothing in this section or the amendments made by this section shall be construed to authorize any officer or employee of the Federal Government to engage in an activity otherwise prohibited under section 103(b) of the Department of Education Organization Act (20 U.S.C. 3403(b)).

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**SA 2244.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684,

to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 446, strike line 12 and insert the following:
any regard to any requirement under this section.

''(x) CERTAIN LOGGING VEHICLES.—

''(1) IN GENERAL.—The Secretary shall waive, for a covered logging vehicle, the application of any vehicle weight limit established under this section.

''(2) APPLICATION OF WEIGHT TOLERANCES.—The waiver under this subsection shall only apply with respect to a State legal weight tolerance in effect on the date of enactment of this subsection.

''(3) DEFINITION OF COVERED LOGGING VEHICLE.—In this subsection, the term 'covered logging vehicle' means a vehicle that—

''(A) is transporting raw or unfinished forest products, including logs, pulpwood, biomass, or wood chips;

''(B) is traveling a distance of not more than 150 air miles on the Interstate System from the point of origin to a storage or processing facility; and

''(C) meets applicable State legal weight tolerances and vehicle configurations for transporting raw or unfinished forest products within the boundaries of each State in which the vehicle is operating.''.

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**SA 2245.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

**SEC. _____. PROHIBITING THE CANCELLATION OF CERTAIN CONTRACTS FOR PHYSICAL BARRIERS AND OTHER BORDER SECURITY MEASURES.**

Notwithstanding any other provision of law, the Secretary of Homeland Security and any other Federal official may not—

(1) cancel, invalidate, or breach any contract for the construction or improvement of any physical barrier along the United States border or for any other border security measures for which Federal funds have been obligated; or

(2) obligate the use of Federal funds to pay any penalty resulting from the cancellation of any contract described in paragraph (1).

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**SA 2246.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

**SEC. 300___. PUBLIC TRANSPORTATION PROJECTS.**

Section 5334 of title 49, United States Code, is amended by adding at the end the following:

''(l) PROJECTS AND ASSETS THAT ARE UNINSTALLED.—Notwithstanding any other provision of law, a recipient of assistance under this chapter that uninstalls a project or asset constructed or acquired with that assistance shall not be required to reimburse the Secretary for any amounts provided under this chapter for the project or asset.''.

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**SA 2247.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**DIVISION K—PROHIBITION ON USE OF FUNDS**

**SEC. _____01. PROHIBITION ON USE OF FUNDS.**

No funding made available under a division of this Act or an amendment made by a division of this Act may be used to procure products or materials produced with forced labor.

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**SA 2248.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

**SEC. _____. OPEN NETWORK ARCHITECTURE.**

(a) OPEN NETWORK ARCHITECTURE TESTBED.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Applied Research Open-RAN testbed'' means the testbed established under paragraph (2);

(B) the term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information; and

(C) the term ''NTIA'' means the National Telecommunications and Information Administration.

(2) ESTABLISHMENT.—The Assistant Secretary shall establish an applied research open network architecture testbed at the Institute for Telecommunication Sciences of the NTIA to develop and demonstrate network architectures and applications, equipment integration and interoperability at scale, including—

(A) Open Radio Access Network (commonly known as ''Open-RAN'') technology;

(B) Virtualized Radio Access Network (commonly known as ''vRAN'') technology; and

(C) cloud native technologies that replicate telecommunications hardware as software-based virtual network elements and functions.

(3) FOCUS; CONSIDERATIONS.—In establishing the Applied Research Open-RAN testbed pursuant to this subsection, the Assistant Secretary shall ensure that such testbed evaluates issues related to deployment and operation of open network architectures in rural areas.

(4) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—The Assistant Secretary shall enter into cooperative research and development agreements as appropriate to obtain equipment, devices, and expertise for the Applied Research Open-RAN testbed, in accordance with section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(5) PRIVATE SECTOR CONTRIBUTIONS.—The Assistant Secretary may accept private contributions to the Applied Research Open-RAN testbed in the form of network equipment or devices for testing purposes.

(6) PARTNERSHIP WITH GOVERNMENT ENTITIES.—

(A) ESTABLISHMENT.—In establishing the Applied Research Open-RAN testbed, the Assistant Secretary shall—

(i) consult with the Federal Communications Commission, including with respect to ongoing work by the Commission to develop other testbeds, including private sector testbeds, related to Open-RAN technologies; and

(ii) ensure that the work on the testbed is coordinated with the responsibilities of the Assistant Secretary under any relevant memorandum of understanding with the Federal Communications Commission and the National Science Foundation related to spectrum.

(B) OPERATIONS.—In operating the Applied Research Open-RAN testbed, the Assistant Secretary shall, in consultation with the Federal Communications Commission, partner with—

(i) the First Responder Network Authority of the NTIA (also known as ''FirstNet'') and the Public Safety Communications Research Division of the National Institute of Standards and Technology to examine use cases and applications for Open-RAN technologies in a public safety network;

(ii) other Federal agencies, as appropriate to examine use cases and applications for Open-RAN technologies in other areas of interest to such agencies; and

(iii) international partners, as appropriate.

(7) STAKEHOLDER INPUT.—The Assistant Secretary shall seek input from stakeholders regarding the establishment and operation of the Applied Research Open-RAN testbed.

(8) IMPLEMENTATION DEADLINE.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall—

(A) define metrics and parameters for the Applied Research Open-RAN testbed, including functionality, project configuration and capacity, performance, security requirements, and quality assurance;

(B) adopt any rules as necessary, in consultation with the Federal Communications Commission; and

(C) begin the development of the Applied Research Open-RAN testbed, including seeking stakeholder input as required by paragraph (7).

(9) REPORT.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the testbed and any recommendations for additional legislative or regulatory actions relating to the work of the testbed.

(10) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated for the administration of the Applied Research Open-RAN testbed

$20,000,000 for fiscal year 2022, to remain available until expended.

(B) RULE OF CONSTRUCTION.—Nothing in paragraph (6) shall be construed to obligate FirstNet or any other Federal entity to pay for the cost of the Applied Research Open-RAN testbed established under this subsection in the absence of the appropriation of amounts under this paragraph.

(C) AUTHORIZATION FOR VOLUNTARY SUPPORT.—A Federal entity, including FirstNet, may voluntarily enter into an agreement with NTIA to provide monetary or nonmonetary support for the Applied Research Open-RAN testbed.

(b) PARTICIPATION IN STANDARDS-SETTING BODIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information;

(B) the term ''eligible standards-setting body''—

(i) means a standards-setting body, participation in which may be funded by a grant awarded under paragraph (2), as determined by the Assistant Secretary; and

(ii) includes—

(I) the 3rd Generation Partnership Project (commonly known as ''3GPP'');

(II) the Alliance for Telecommunications Industry Solutions (commonly known as ''ATIS'');

(III) the International Telecommunications Union (commonly known as ''ITU'');

(IV) the Institute for Electrical and Electronics Engineers (commonly known as ''IEEE'');

(V) the World Radiocommunications Conferences (commonly known as the ''WRC'') of the ITU;

(VI) the Internet Engineering Task Force (commonly known as the ''IETF'');

(VII) the International Organization for Standardization (commonly known as the ''ISO'') and the International Electrotechnical Commission (commonly known as the ''IEC'');

(VIII) the O-RAN Alliance;

(IX) the Telecommunications Industry Association (commonly known as ''TIA''); and

(X) any other standards-setting body identified under paragraph (4);

(C) the term ''Secretary'' means the Secretary of Commerce; and

(D) the term ''standards-setting body'' means an international body that develops the standards for open network architecture technologies.

(2) GRANT PROGRAM.—

(A) IN GENERAL.—The Secretary, in collaboration with the Assistant Secretary, shall award grants to private sector entities based in the United States to participate in eligible standards-setting bodies.

(B) PRIORITIZATION.—The Secretary shall prioritize grants awarded under this subsection to private sector entities that would not otherwise be able to participate in eligible standards-setting bodies without the grant.

(3) GRANT CRITERIA.—Not later than 180 days after the date on which amounts are appropriated under paragraph (5), the Secretary, in collaboration with the Assistant Secretary, shall establish criteria for the grants awarded under paragraph (2).

(4) CONSULTATION WITH FEDERAL COMMUNICATIONS COMMISSION.—The Secretary shall consult with the Federal Communications Commission in—

(A) determining criteria for the grants awarded under paragraph (2); and

(B) determining which standards-setting bodies, if any, in addition to the standards-setting bodies listed in paragraph (1)(B)(ii) are eligible standards-setting bodies.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated for grants under paragraph (2) $30,000,000 in total for fiscal years 2022 through 2025, to remain available until expended.

(B) ADMINISTRATIVE COSTS.—The Secretary may use not more than 2 percent of any funds appropriated under this paragraph for the administration of the grant program established under this subsection.

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**SA 2249.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**DIVISION ____—LEGAL REFORMS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT**

**SEC. ____. LEGAL REFORMS UNDER NEPA.**

(a) IN GENERAL.—Title I of the National Environmental Policy Act of 1969 is amended—

(1) by redesignating section 105 (42 U.S.C. 4335) as section 106; and

(2) by inserting after section 104 (42 U.S.C. 4334) the following:

**''SEC. 105. LEGAL REFORM.**

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' includes a State that has assumed responsibility under section 327 of title 23, United States Code.

''(2) HEAD OF A FEDERAL AGENCY.—The term 'head of a Federal agency' includes the governor or head of an applicable State agency of a State that has assumed responsibility under section 327 of title 23, United States Code.

''(3) NEPA PROCESS.—

''(A) IN GENERAL.—The term 'NEPA process' means the entirety of every process, analysis, or other measure, including an environmental impact statement, required to be carried out by a Federal agency under this title before the agency undertakes a proposed action.

''(B) PERIOD.—For purposes of subparagraph (A), the NEPA process—

''(i) begins on the date on which the head of a Federal agency receives an application for a proposed action from a project sponsor; and

''(ii) ends on the date on which the Federal agency issues, with respect to the proposed action—

''(I) a record of decision, including, if necessary, a revised record of decision;

''(II) a finding of no significant impact; or

''(III) a categorical exclusion under this title.

''(4) PROJECT SPONSOR.—The term 'project sponsor' means a Federal agency or other entity, including a private or public-private entity, that seeks approval of a proposed action.

''(b) JUDICIAL REVIEW.—

''(1) STANDING.—Notwithstanding any other provision of law, a plaintiff may only bring a claim arising under Federal law seeking judicial review of a portion of the NEPA process if the plaintiff pleads facts that allege that the plaintiff has personally suffered, or will likely personally suffer, a direct, tangible harm as a result of the portion of the NEPA process for which the plaintiff is seeking review.

''(2) STATUTE OF LIMITATIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B)(ii), a claim arising under Federal law seeking judicial review of any portion of the NEPA process shall be barred unless it is filed not later than the earlier of—

''(i) 150 days after the final agency action under the NEPA process has been taken; and

''(ii) if applicable, an earlier date after which judicial review is barred that is specified in the Federal law pursuant to which the judicial review is allowed.

''(B) NEW INFORMATION.—

''(i) CONSIDERATION.—A Federal agency shall consider for the purpose of a supplemental environmental impact statement new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under the regulations of the Federal agency.

''(ii) STATUTE OF LIMITATIONS BASED ON NEW INFORMATION.—If a supplemental environmental impact statement is required under the regulations of a Federal agency, a claim for judicial review of the supplemental environmental impact statement shall be barred unless it is filed not later than the earlier of—

''(I) 150 days after the publication of a notice in the Federal Register that the supplemental environmental impact statement is final; and

''(II) if applicable, an earlier date after which judicial review is barred that is specified in the Federal law pursuant to which the judicial review is allowed.

''(C) SAVINGS CLAUSE.—Nothing in this paragraph creates a right to judicial review.

''(3) REMEDIES.—

''(A) PRELIMINARY INJUNCTIONS AND TEMPORARY RESTRAINING ORDERS.—

''(i) IN GENERAL.—Subject to clause (ii), in a motion for a temporary restraining order or preliminary injunction against a Federal agency or project sponsor in a claim arising under Federal law seeking judicial review of any portion of the NEPA process, the plaintiff shall establish by clear and convincing evidence that—

''(I) the plaintiff is likely to succeed on the merits;

''(II) the plaintiff is likely to suffer irreparable harm in the absence of the temporary restraining order or preliminary injunction, as applicable;

''(III) the balance of equities is tipped in the favor of the plaintiff; and

''(IV) the temporary restraining order or preliminary injunction is in the public interest.

''(ii) ADDITIONAL REQUIREMENTS.—A court may not grant a motion described in clause (i) unless the court—

''(I) makes a finding of extraordinary circumstances that warrant the granting of the motion;

''(II) considers the potential effects on public health, safety, and the environment, and the potential for significant negative effects on jobs resulting from granting the motion; and

''(III) notwithstanding any other provision of law, applies the requirements of Rule 65(c) of the Federal Rules of Civil Procedure.

''(B) PERMANENT INJUNCTIONS.—

''(i) IN GENERAL.—Subject to clause (ii), in a motion for a permanent injunction against a Federal agency or project sponsor a claim arising under Federal law seeking judicial review of any portion of the NEPA process, the plaintiff shall establish by clear and convincing evidence that—

''(I) the plaintiff has suffered an irreparable injury;

''(II) remedies available at law, including monetary damages, are inadequate to compensate for the injury;

''(III) considering the balance of hardship between the plaintiff and defendant, a remedy in equity is warranted;

''(IV) the public interest is not disserved by a permanent injunction; and

''(V) if the error or omission of a Federal agency in a statement required under this title is the grounds for which the plaintiff is seeking judicial review, the error or omission is likely to result in specific, irreparable damage to the environment.

''(ii) ADDITIONAL SHOWING.—A court may not grant a motion described in clause (i) unless—

''(I) the court makes a finding that extraordinary circumstances exist that warrant the granting of the motion; and

''(II) the permanent injunction is—

''(aa) as narrowly tailored as possible to correct the injury; and

''(bb) the least intrusive means necessary to correct the injury.''.

(b) ATTORNEY FEES IN ENVIRONMENTAL LITIGATION.—

(1) ADMINISTRATIVE PROCEDURE.—Section 504(b)(1) of title 5, United States Code, is amended—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(G) 'special factor' does not include knowledge, expertise, or skill in environmental litigation.''.

(2) UNITED STATES AS PARTY.—Section 2412(d)(2) of title 28, United States Code, is amended—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(J) 'special factor' does not include knowledge, expertise, or skill in environmental litigation.''.

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**SA 2250.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**DIVISION ___—PROJECT DELIVERY PROGRAMS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT**

**SEC. ___. PROJECT DELIVERY PROGRAMS.**

(a) IN GENERAL.—Title I of the National Environmental Policy Act of 1969 is amended—

(1) by redesignating section 105 (42 U.S.C. 4335) as section 106; and

(2) by inserting after section 104 (42 U.S.C. 4334) the following:

**''SEC. 105. PROJECT DELIVERY PROGRAMS.**

''(a) DEFINITION OF AGENCY PROGRAM.—In this section, the term 'agency program' means a project delivery program established by a Federal agency under subsection (b)(1).

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The head of each Federal agency, including the Secretary of Transportation, shall carry out a project delivery program.

''(2) ASSUMPTION OF RESPONSIBILITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the head of each Federal agency shall, on request of a State, enter into a written agreement with the State, which may be in the form of a memorandum of understanding, in which the head of each Federal agency may assign, and the State may assume, the responsibilities of the head of the Federal agency under this title with respect to 1 or more projects within the State that are under the jurisdiction of the Federal agency.

''(B) EXCEPTION.—The head of a Federal agency shall not enter into a written agreement under subparagraph (A) if the head of the Federal agency determines that the State is not in compliance with the requirements described in subsection (c)(4).

''(C) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

''(i) the head of the Federal agency may assign to the State, and the State may assume, all or part of the responsibilities of the head of the Federal agency for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific project;

''(ii) at the request of the State, the head of the Federal agency may also assign to the State, and the State may assume, the responsibilities of the head of the Federal agency under this title with respect to 1 or more projects within the State that are under the jurisdiction of the Federal agency; but

''(iii) the head of the Federal agency may not assign responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506).

''(D) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Federal agency.

''(E) FEDERAL RESPONSIBILITY.—Any responsibility of a Federal agency not explicitly assumed by the State by written agreement under subparagraph (A) shall remain the responsibility of the Federal agency.

''(F) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than the Federal agency for which the written agreement applies, under applicable law (including regulations) with respect to a project.

''(G) PRESERVATION OF FLEXIBILITY.—The head of the Federal agency may not require a State, as a condition of participation in the agency program of the Federal agency, to forego project delivery methods that are otherwise permissible for projects under applicable law.

''(H) LEGAL FEES.—A State assuming the responsibilities of a Federal agency under this section for a specific project may use funds awarded to the State for that project for attorneys' fees directly attributable to eligible activities associated with the project.

''(c) STATE PARTICIPATION.—

''(1) PARTICIPATING STATES.—Except as provided in subsection (b)(2)(B), all States are eligible to participate in an agency program.

''(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the head of each Federal agency shall amend, as appropriate, regulations that establish requirements relating to information required to be contained in any application of a State to participate in the agency program, including, at a minimum—

''(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the agency program;

''(B) verification of the financial resources necessary to carry out the authority that may be granted under the agency program; and

''(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the agency program, including copies of comments received from that solicitation.

''(3) PUBLIC NOTICE.—

''(A) IN GENERAL.—Each State that submits an application under this subsection shall give notice of the intent of the State to participate in an agency program not later than 30 days before the date of submission of the application.

''(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice law of the State.

''(4) SELECTION CRITERIA.—The head of a Federal agency may approve the application of a State under this section only if—

''(A) the regulatory requirements under paragraph (2) have been met;

''(B) the head of the Federal agency determines that the State has the capability, including financial and personnel, to assume the responsibility; and

''(C) the head of the State agency having primary jurisdiction over the project enters into a written agreement with the head of the Federal agency as described in subsection (d).

''(5) OTHER FEDERAL AGENCY VIEWS.—If a State applies to assume a responsibility of the Federal agency that would have required the head of the Federal agency to consult with the head of another Federal agency, the head of the Federal agency shall solicit the views of the head of the other Federal agency before approving the application.

''(d) WRITTEN AGREEMENT.—A written agreement under subsection (b)(2)(A) shall—

''(1) be executed by the Governor or the top-ranking official in the State who is charged with responsibility for the project;

''(2) be in such form as the head of the Federal agency may prescribe;

''(3) provide that the State—

''(A) agrees to assume all or part of the responsibilities of the Federal agency described in subparagraphs (A) and (C) of subsection (b)(2);

''(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Federal agency assumed by the State;

''(C) certifies that State laws (including regulations) are in effect that—

''(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

''(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

''(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

''(4) require the State to provide to the head of the Federal agency any information the head of the Federal agency reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

''(5) have a term of not more than 5 years; and

''(6) be renewable.

''(e) JURISDICTION.—

''(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State for failure to carry out any responsibility of the State under this section.

''(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the head of a Federal agency had the head of the Federal agency taken the actions in question.

''(3) INTERVENTION.—The head of a Federal agency shall have the right to intervene in any action described in paragraph (1).

''(f) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State that assumes responsibility under subsection (b)(2) shall be solely responsible and solely liable for carrying out, in lieu of and without further approval of the head of the Federal agency, the responsibilities assumed under subsection (b)(2), until the agency program is terminated under subsection (k).

''(g) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the head of a Federal agency under any Federal law.

''(h) AUDITS.—

''(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (d) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (b)(2)), for each State participating in an agency program, the head of a Federal agency shall—

''(A) not later than 180 days after the date of execution of the agreement, meet with the State to review implementation of the agreement and discuss plans for the first annual audit;

''(B) conduct annual audits during each of the first 4 years of State participation; and

''(C) ensure that the time period for completing an annual audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.

''(2) PUBLIC AVAILABILITY AND COMMENT.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

''(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the head of the Federal agency shall respond to public comments received under subparagraph (A).

''(3) AUDIT TEAM.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the head of the Federal agency, in consultation with the State, in accordance with subparagraph (B).

''(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review and provide comments on the proposed members of the audit team.

''(i) MONITORING.—After the fourth year of the participation of a State in an agency program, the head of the Federal agency shall monitor compliance by the State with the written agreement, including the provision by the State of financial resources to carry out the written agreement.

''(j) REPORT TO CONGRESS.—The head of each Federal agency shall submit to Congress an annual report that describes the administration of the agency program.

''(k) TERMINATION.—

''(1) TERMINATION BY FEDERAL AGENCY.—The head of a Federal agency may terminate the participation of any State in the agency program of the Federal agency if—

''(A) the head of the Federal agency determines that the State is not adequately carrying out the responsibilities assigned to the State;

''(B) the head of the Federal agency provides to the State—

''(i) a notification of the determination of noncompliance;

''(ii) a period of not less than 120 days to take such corrective action as the head of the Federal agency determines to be necessary to comply with the applicable agreement; and

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the head of the Federal agency.

''(2) TERMINATION BY THE STATE.—A State may terminate the participation of the State in an agency program at any time by providing to the head of the applicable Federal agency a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the head of the Federal agency may provide.

''(l) CAPACITY BUILDING.—The head of a Federal agency, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

''(1) to assist States in developing the capacity to participate in the agency program of the Federal agency; and

''(2) to promote information sharing and collaboration among States that are participating in the agency program of the Federal agency.

''(m) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—A State granted authority under an agency program may, as appropriate and at the request of a local government—

''(1) exercise that authority on behalf of the local government for a locally administered project; or

''(2) provide guidance and training on consolidating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered project to comply with this title and any comparable requirements under State law.''.

(b) CONFORMING AMENDMENT.—Section 327 of title 23, United States Code, is amended—

(1) in subsection (a)(1), by striking ''The Secretary'' and inserting ''Subject to subsection (m), the Secretary''; and

(2) by adding at the end the following:

''(m) SUNSET.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the authority provided by this section terminates on the date of enactment of this subsection.

''(2) EXISTING AGREEMENTS.—Subject to the requirements of this section, the Secretary may continue to enforce any agreement entered into under this section before the date of enactment of this subsection.''.

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**SA 2251.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**DIVISION ____—NATIONAL ENVIRONMENTAL POLICY ACT TIMELINES**

**SEC. _____. NATIONAL ENVIRONMENTAL POLICY ACT TIMELINES.**

Title I of the National Environmental Policy Act of 1969 is amended—

(1) by redesignating section 105 (42 U.S.C. 4335) as section 106; and

(2) by inserting after section 104 (42 U.S.C. 4334) the following:

**''SEC. 105. APPLICABLE TIMELINES.**

''(a) DEFINITIONS.—In this section:

''(1) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed statement required under section 102(2)(C).

''(2) FEDERAL AGENCY.—The term 'Federal agency' includes a State that has assumed responsibility under section 327 of title 23, United States Code.

''(3) HEAD OF A FEDERAL AGENCY.—The term 'head of a Federal agency' includes the governor or head of an applicable State agency of a State that has assumed responsibility under section 327 of title 23, United States Code.

''(4) NEPA PROCESS.—

''(A) IN GENERAL.—The term 'NEPA process' means the entirety of every process, analysis, or other measure, including an environmental impact statement, required to be carried out by a Federal agency under this title before the agency undertakes a proposed action.

''(B) PERIOD.—For purposes of subparagraph (A), the NEPA process—

''(i) begins on the date on which the head of a Federal agency receives an application for a proposed action from a project sponsor; and

''(ii) ends on the date on which the Federal agency issues, with respect to the proposed action—

''(I) a record of decision, including, if necessary, a revised record of decision;

''(II) a finding of no significant impact; or

''(III) a categorical exclusion under this title.

''(5) PROJECT SPONSOR.—The term 'project sponsor' means a Federal agency or other entity, including a private or public-private entity, that seeks approval of a proposed action.

''(b) APPLICABLE TIMELINES.—

''(1) NEPA PROCESS.—

''(A) IN GENERAL.—The head of a Federal agency shall complete the NEPA process for a proposed action of the Federal agency, as described in subsection (a)(4)(B)(ii), not later than 2 years after the date described in subsection (a)(4)(B)(i).

''(B) ENVIRONMENTAL DOCUMENTS.—Within the period described in subparagraph (A), not later than 1 year after the date described in subsection (a)(4)(B)(i), the head of the Federal agency shall, with respect to the proposed action—

''(i) issue—

''(I) a finding that a categorical exclusion applies to the proposed action; or

''(II) a finding of no significant impact; or

''(ii) publish a notice of intent to prepare an environmental impact statement in the Federal Register.

''(C) ENVIRONMENTAL IMPACT STATEMENT.—If the head of a Federal agency publishes a notice of intent described in subparagraph (B)(ii), within the period described in subparagraph (A) and not later than 1 year after the date on which the head of the Federal agency publishes the notice of intent, the head of the Federal agency shall complete the environmental impact statement and, if necessary, any supplemental environmental impact statement for the proposed action.

''(D) PENALTIES.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(II) FEDERAL AGENCY.—The term 'Federal agency' does not include a State.

''(III) FINAL NEPA COMPLIANCE DATE.—The term 'final NEPA compliance date', with respect to a proposed action, means the date by which the head of a Federal agency is required to complete the NEPA process under subparagraph (A).

''(IV) HEAD OF A FEDERAL AGENCY.—The term 'head of a Federal agency' does not include the governor or head of a State agency of a State.

''(V) INITIAL EIS COMPLIANCE DATE.—The term 'initial EIS compliance date', with respect to a proposed action for which a Federal agency published a notice of intent described in subparagraph (B)(ii), means the date by which an environmental impact statement for that proposed action is required to be completed under subparagraph (C).

''(VI) INITIAL NEPA COMPLIANCE DATE.—The term 'initial NEPA compliance date', with respect to a proposed action, means the date by which the head of a Federal agency is required to issue or publish a document described in subparagraph (B) for that proposed action under that subparagraph.

''(VII) INITIAL NONCOMPLIANCE DETERMINATION.—The term 'initial noncompliance determination' means a determination under clause (ii)(I)(bb) that the head of a Federal agency has not complied with the requirements of subparagraph (A), (B), or (C).

''(ii) INITIAL NONCOMPLIANCE.—

''(I) DETERMINATION.—

''(aa) NOTIFICATION.—As soon as practicable after the date described in subsection (a)(4)(B)(i) for a proposed action of a Federal agency, the head of the Federal agency shall notify the Director that the head of the Federal agency is beginning the NEPA process for that proposed action.

''(bb) DETERMINATIONS OF COMPLIANCE.—

''(AA) INITIAL DETERMINATION.—As soon as practicable after the initial NEPA compliance date for a proposed action, the Director shall determine whether, as of the initial NEPA compliance date, the head of the Federal agency has complied with subparagraph (B) for that proposed action.

''(BB) ENVIRONMENTAL IMPACT STATEMENT.—With respect to a proposed action of a Federal agency in which the head of the Federal agency publishes a notice of intent described in subparagraph (B)(ii), as soon as practicable after the initial EIS compliance date for a proposed action, the Director shall determine whether, as of the initial EIS compliance date, the head of the Federal agency has complied with subparagraph (C) for that proposed action.

''(CC) COMPLETION OF NEPA PROCESS.—As soon as practicable after the final NEPA compliance date for a proposed action, the Director shall determine whether, as of the final NEPA compliance date, the head of the Federal agency has complied with subparagraph (A) for that proposed action.

''(II) IDENTIFICATION; PENALTY; NOTIFICATION.—If the Director makes an initial noncompliance determination for a proposed action—

''(aa) the Director shall identify the account for the salaries and expenses of the office of the head of the Federal agency, or an equivalent account;

''(bb) beginning on the day after the date on which the Director makes the initial noncompliance determination, the amount that the head of the Federal agency may obligate from the account identified under item (aa) for the fiscal year during which the determination is made shall be reduced by 0.5 percent from the amount initially made available for the account for that fiscal year; and

''(cc) the Director shall notify the head of the Federal agency of—

''(AA) the initial noncompliance determination;

''(BB) the account identified under item (aa); and

''(CC) the reduction under item (bb).

''(iii) CONTINUED NONCOMPLIANCE.—

''(I) DETERMINATION.—Every 90 days after the date of an initial noncompliance determination, the Director shall determine whether the head of the Federal agency has complied with the applicable requirements of subparagraphs (A) through (C) for the proposed action, until the date on which the Director determines that the head of the Federal agency has completed the NEPA process for the proposed action.

''(II) PENALTY; NOTIFICATION.—For each determination made by the Director under subclause (I) that the head of a Federal agency has not complied with a requirement of subparagraph (A), (B), or (C) for a proposed action—

''(aa) the amount that the head of the Federal agency may obligate from the account identified under clause (ii)(II)(aa) for the fiscal year during which the most recent determination under subclause (I) is made shall be reduced by 0.5 percent from the amount initially made available for the account for that fiscal year; and

''(bb) the Director shall notify the head of the Federal agency of—

''(AA) the determination under subclause (I); and

''(BB) the reduction under item (aa).

''(iv) REQUIREMENTS.—

''(I) AMOUNTS NOT RESTORED.—A reduction in the amount that the head of a Federal agency may obligate under clause (ii)(II)(bb) or (iii)(II)(aa) during a fiscal year shall not be restored for that fiscal year, without regard to whether the head of a Federal agency completes the NEPA process for the proposed action with respect to which the Director made an initial noncompliance determination or a determination under clause (iii)(I).

''(II) REQUIRED TIMELINES.—The violation of subparagraph (B) or (C), and any action carried out to remediate or otherwise address the violation, shall not affect any other applicable compliance date under subparagraph (A), (B), or (C).

''(2) AUTHORIZATIONS AND PERMITS.—

''(A) IN GENERAL.—Not later than 90 days after the date described in subsection (a)(4)(B)(ii), the head of a Federal agency shall issue—

''(i) any necessary permit or authorization to carry out the proposed action; or

''(ii) a denial of the permit or authorization necessary to carry out the proposed action.

''(B) EFFECT OF FAILURE TO ISSUE AUTHORIZATION OR PERMIT.—If a permit or authorization described in subparagraph (A) is not issued or denied within the period described in that subparagraph, the permit or authorization shall be considered to be approved.

''(C) DENIAL OF PERMIT OR AUTHORIZATION.—

''(i) IN GENERAL.—If a permit or authorization described in subparagraph (A) is denied, the head of the Federal agency shall describe to the project sponsor—

''(I) the basis of the denial; and

''(II) recommendations for the project sponsor with respect to how to address the reasons for the denial.

''(ii) RECOMMENDED CHANGES.—If the project sponsor carries out the recommendations of the head of the Federal agency under clause (i)(II) and notifies the head of the Federal agency that the recommendations have been carried out, the head of the Federal agency—

''(I) shall decide whether to issue the permit or authorization described in subparagraph (A) not later than 90 days after date on which the project sponsor submitted the notification; and

''(II) shall not carry out the NEPA process with respect to the proposed action again.''.

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**SA 2252.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**DIVISION ____—AGENCY PROCESS REFORMS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT**

**SEC. ____. AGENCY PROCESS REFORMS UNDER NEPA.**

Title I of the National Environmental Policy Act of 1969 is amended—

(1) by redesignating section 105 (42 U.S.C. 4335) as section 106; and

(2) by inserting after section 104 (42 U.S.C. 4334) the following:

**''SEC. 105. AGENCY PROCESS REFORMS.**

''(a) DEFINITIONS.—In this section:

''(1) ENVIRONMENTAL ASSESSMENT.—The term 'environmental assessment' has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

''(2) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed statement required under section 102(2)(C).

''(3) FEDERAL AGENCY.—The term 'Federal agency' includes a State that has assumed responsibility under section 327 of title 23, United States Code.

''(4) HEAD OF A FEDERAL AGENCY.—The term 'head of a Federal agency' includes the governor or head of an applicable State agency of a State that has assumed responsibility under section 327 of title 23, United States Code.

''(5) NEPA PROCESS.—

''(A) IN GENERAL.—The term 'NEPA process' means the entirety of every process, analysis, or other measure, including an environmental impact statement, required to be carried out by a Federal agency under this title before the agency undertakes a proposed action.

''(B) PERIOD.—For purposes of subparagraph (A), the NEPA process—

''(i) begins on the date on which the head of a Federal agency receives an application for a proposed action from a project sponsor; and

''(ii) ends on the date on which the Federal agency issues, with respect to the proposed action—

''(I) a record of decision, including, if necessary, a revised record of decision;

''(II) a finding of no significant impact; or

''(III) a categorical exclusion under this title.

''(6) PROJECT SPONSOR.—The term 'project sponsor' means a Federal agency or other entity, including a private or public-private entity, that seeks approval of a proposed action.

''(b) PROHIBITIONS.—In carrying out the NEPA process, the head of a Federal agency may not—

''(1) consider an alternative to the proposed action if the proposed action is not technically or economically feasible to the project sponsor; or

''(2) consider an alternative to the proposed action that is not within the jurisdiction of the Federal agency.

''(c) ENVIRONMENTAL DOCUMENTS.—

''(1) EIS REQUIRED.—In carrying out the NEPA process for a proposed action that requires the preparation of an environmental impact statement, the head of a Federal agency shall produce for the proposed action not more than 1—

''(A) environmental impact statement;

''(B) if necessary, environmental assessment; and

''(C) record of decision.

''(2) EIS NOT REQUIRED.—In carrying out the NEPA process for a proposed action that does not require the preparation of an environmental impact statement, the head of a Federal agency shall produce for the proposed action not more than 1—

''(A) environmental assessment; or

''(B) finding of no significant impact.

''(d) CATEGORICAL EXCLUSIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (2), the head of a Federal agency may, without further approval, use a categorical exclusion under this title that has been approved by—

''(A)(i) another Federal agency; and

''(ii) the Council on Environmental Quality; or

''(B) an Act of Congress.

''(2) REQUIREMENTS.—The head of a Federal agency may use a categorical exclusion described in paragraph (1) if the head of the Federal agency—

''(A) carefully reviews the description of the proposed action to ensure that it fits within the category of actions described in the categorical exclusion; and

''(B) considers the circumstances associated with the proposed action to ensure that there are no extraordinary circumstances that warrant the preparation of an environmental assessment or an environmental impact statement.

''(3) EXTRAORDINARY CIRCUMSTANCES.—If the head of a Federal agency determines that extraordinary circumstances are present with respect to a proposed action, the head of the Federal agency shall—

''(A) consider whether mitigating circumstances or other conditions are sufficient to avoid significant effects of the proposed action; and

''(B) if the head of the Federal agency determines that those significant effects can be avoided, apply a categorical exclusion to the proposed action.

''(e) REUSE OF WORK; DOCUMENTS PREPARED BY QUALIFIED 3RD PARTIES; UNEXPECTED CIRCUMSTANCES.—

''(1) IN GENERAL.—In carrying out the NEPA process for a proposed action—

''(A) subject to paragraph (2), the head of a Federal agency shall—

''(i) use any applicable findings and research from a prior NEPA process of any Federal agency; and

''(ii) incorporate the findings and research described in clause (i) into any applicable analysis under the NEPA process; and

''(B) a Federal agency may adopt as an environmental impact statement, environmental assessment, or other environmental document to achieve compliance with this title—

''(i) an environmental document prepared under the law of the applicable State if the head of the Federal agency determines that the environmental laws of the applicable State—

''(I) provide the same level of environmental analysis as the analysis required under this title; and

''(II) allow for the opportunity of public comment; or

''(ii) subject to paragraph (3), an environmental document prepared by a qualified third party chosen by the project sponsor, at the expense of the project sponsor, if the head of the Federal agency—

''(I) provides oversight of the preparation of the environmental document by the third party; and

''(II) independently evaluates the environmental document for the compliance of the environmental document with this title.

''(2) REQUIREMENT FOR THE REUSE OF FINDINGS AND RESEARCH.—The head of a Federal agency may reuse the applicable findings and research described in paragraph (1)(A) if—

''(A)(i) the project for which the head of the Federal agency is seeking to reuse the findings and research was in close geographic proximity to the proposed action; and

''(ii) the head of the Federal agency determines that the conditions under which the applicable findings and research were issued have not substantially changed; or

''(B)(i) the project for which the head of the Federal agency is seeking to reuse the findings and research was not in close geographic proximity to the proposed action; and

''(ii) the head of the Federal agency determines that the proposed action has similar issues or decisions as the project.

''(3) REQUIREMENTS FOR CREATION OF ENVIRONMENTAL DOCUMENT BY QUALIFIED 3RD PARTIES.—

''(A) IN GENERAL.—A qualified third party may prepare an environmental document intended to be adopted by a Federal agency as the environmental impact statement, environmental assessment, or other environmental document for a proposed action under paragraph (1)(B)(ii) if—

''(i) the project sponsor submits a written request to the head of the applicable Federal agency that the head of the Federal agency approve the qualified third party to create the document intended to be adopted by a Federal agency as the environmental impact statement, environmental assessment, or other environmental document; and

''(ii) the head of the Federal agency determines that—

''(I) the third party is qualified to prepare the document; and

''(II) the third party has no financial or other interest in the outcome of the proposed action.

''(B) DEADLINE.—The head of a Federal agency that receives a written request under subparagraph (A)(i) shall issue a written decision approving or denying the request not later than 30 days after the date on which the written request is received.

''(C) NO PRIOR WORK.—The head of a Federal agency may not adopt an environmental document under paragraph (1)(B)(ii) if the qualified third party began preparing the document prior to the date on which the head of the Federal agency issues the written decision under subparagraph (B) approving the request.

''(D) DENIALS.—If the head of a Federal agency issues a written decision denying the request under subparagraph (A)(i), the head of the Federal agency shall submit to the project sponsor with the written decision the findings that served as the basis of the denial.

''(4) UNEXPECTED CIRCUMSTANCES.—If, while carrying out a proposed action after the completion of the NEPA process for that proposed action, a Federal agency or project sponsor encounters a new or unexpected circumstance or condition that may require the reevaluation of the proposed action under this title, the head of the Federal agency with responsibility for carrying out the NEPA process for the proposed action shall—

''(A) consider whether mitigating the new or unexpected circumstance or condition is sufficient to avoid significant effects that may result from the circumstance or condition; and

''(B) if the head of the Federal agency determines under subparagraph (A) that the significant effects that result from the circumstance or condition can be avoided, mitigate the circumstance or condition without carrying out the NEPA process again.

''(f) MULTI-AGENCY PROJECTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) COOPERATING AGENCY.—The term 'cooperating agency' means a Federal agency involved in a proposed action that—

''(i) is not the lead agency; and

''(ii) has the jurisdiction or special expertise such that the Federal agency needs to be consulted—

''(I) to use a categorical exclusion; or

''(II) to prepare an environmental assessment or environmental impact statement, as applicable.

''(B) LEAD AGENCY.—The term 'lead agency' means the Federal agency selected under paragraph (2)(A).

''(2) AGENCY DESIGNATION.—

''(A) LEAD AGENCY.—In carrying out the NEPA process for a proposed action that requires authorization from multiple Federal agencies, the heads of the applicable Federal agencies shall determine the lead agency for the proposed action.

''(B) INVITATION.—The head of the lead agency may invite any relevant State, local, or Tribal agency with Federal authorization decision responsibility to be a cooperating agency.

''(3) RESPONSIBILITIES OF LEAD AGENCY.—The lead agency for a proposed action shall—

''(A) as soon as practicable and in consultation with the cooperating agencies, determine whether a proposed action requires the preparation of an environmental impact statement; and

''(B) if the head of the lead agency determines under subparagraph (A) that an environmental impact statement is necessary—

''(i) be responsible for coordinating the preparation of an environmental impact statement;

''(ii) provide cooperating agencies with an opportunity to review and contribute to the preparation of the environmental impact statement and environmental assessment, as applicable, of the proposed action, except that the cooperating agency shall limit comments to issues within the special expertise or jurisdiction of the cooperating agency; and

''(iii) subject to subsection (b), as soon as practicable and in consultation with the cooperating agencies, determine the range of alternatives to be considered for the proposed action.

''(4) ENVIRONMENTAL DOCUMENTS.—In carrying out the NEPA process for a proposed action, the lead agency shall prepare not more than 1 of each type of document described in paragraph (1) or (2) of subsection (c), as applicable—

''(A) in consultation with cooperating agencies; and

''(B) for all applicable Federal agencies.

''(5) PROHIBITIONS.—

''(A) IN GENERAL.—A cooperating agency may not evaluate an alternative to the proposed action that has not been determined to be within the range of alternatives considered under paragraph (3)(B)(iii).

''(B) OMISSION.—If a cooperating agency submits to the lead agency an evaluation of

an alternative that does not meet the requirements of subsection (b), the lead agency shall omit the alternative from the environmental impact statement.

''(g) REPORTS.—

''(1) NEPA DATA.—

''(A) IN GENERAL.—The head of each Federal agency that carries out the NEPA process shall carry out a process to track, and annually submit to Congress a report containing, the information described in subparagraph (B).

''(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is, with respect to the Federal agency issuing the report under that subparagraph—

''(i) the number of proposed actions for which a categorical exclusion was issued during the reporting period;

''(ii) the length of time the Federal agency took to issue the categorical exclusions described in clause (i);

''(iii) the number of proposed actions pending on the date on which the report is submitted for which the issuance of a categorical exclusion is pending;

''(iv) the number of proposed actions for which an environmental assessment was issued during the reporting period;

''(v) the length of time the Federal agency took to complete each environmental assessment described in clause (iv);

''(vi) the number of proposed actions pending on the date on which the report is submitted for which an environmental assessment is being drafted;

''(vii) the number of proposed actions for which an environmental impact statement was issued during the reporting period;

''(viii) the length of time the Federal agency took to complete each environmental impact statement described in clause (vii); and

''(ix) the number of proposed actions pending on the date on which the report is submitted for which an environmental impact statement is being drafted.

''(2) NEPA COSTS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget shall jointly develop a methodology to assess the comprehensive costs of the NEPA process.

''(B) REQUIREMENTS.—The head of each Federal agency that carries out the NEPA process shall—

''(i) adopt the methodology developed under subparagraph (A); and

''(ii) use the methodology developed under subparagraph (A) to annually submit to Congress a report describing—

''(I) the comprehensive cost of the NEPA process for each proposed action that was carried out within the reporting period; and

''(II) for a proposed action for which the head of the Federal agency is still completing the NEPA process at the time the report is submitted—

''(aa) the amount of money expended to date to carry out the NEPA process for the proposed action; and

''(bb) an estimate of the remaining costs before the NEPA process for the proposed action is complete.''.

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**SA 2253.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**DIVISION ____—REQUIRED REPORTS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT**

**SEC. ___. REQUIRED REPORTS UNDER NEPA.**

Title I of the National Environmental Policy Act of 1969 is amended—

(1) by redesignating section 105 (42 U.S.C. 4335) as section 106; and

(2) by inserting after section 104 (42 U.S.C. 4334) the following:

**''SEC. 105. REQUIRED REPORTS.**

''(a) DEFINITIONS.—In this section:

''(1) ENVIRONMENTAL ASSESSMENT.—The term 'environmental assessment' has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

''(2) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed statement required under section 102(2)(C).

''(3) FEDERAL AGENCY.—The term 'Federal agency' includes a State that has assumed responsibility under section 327 of title 23, United States Code.

''(4) HEAD OF A FEDERAL AGENCY.—The term 'head of a Federal agency' includes the governor or head of an applicable State agency of a State that has assumed responsibility under section 327 of title 23, United States Code.

''(5) NEPA PROCESS.—

''(A) IN GENERAL.—The term 'NEPA process' means the entirety of every process, analysis, or other measure, including an environmental impact statement, required to be carried out by a Federal agency under this title before the agency undertakes a proposed action.

''(B) PERIOD.—For purposes of subparagraph (A), the NEPA process—

''(i) begins on the date on which the head of a Federal agency receives an application for a proposed action from a project sponsor; and

''(ii) ends on the date on which the Federal agency issues, with respect to the proposed action—

''(I) a record of decision, including, if necessary, a revised record of decision;

''(II) a finding of no significant impact; or

''(III) a categorical exclusion under this title.

''(6) PROJECT SPONSOR.—The term 'project sponsor' means a Federal agency or other entity, including a private or public-private entity, that seeks approval of a proposed action.

''(b) REPORTS.—

''(1) NEPA DATA.—

''(A) IN GENERAL.—The head of each Federal agency that carries out the NEPA process shall carry out a process to track, and annually submit to Congress a report containing, the information described in subparagraph (B).

''(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is, with respect to the Federal agency issuing the report under that subparagraph—

''(i) the number of proposed actions for which a categorical exclusion was issued during the reporting period;

''(ii) the length of time the Federal agency took to issue the categorical exclusions described in clause (i);

''(iii) the number of proposed actions pending on the date on which the report is submitted for which the issuance of a categorical exclusion is pending;

''(iv) the number of proposed actions for which an environmental assessment was issued during the reporting period;

''(v) the length of time the Federal agency took to complete each environmental assessment described in clause (iv);

''(vi) the number of proposed actions pending on the date on which the report is submitted for which an environmental assessment is being drafted;

''(vii) the number of proposed actions for which an environmental impact statement was issued during the reporting period;

''(viii) the length of time the Federal agency took to complete each environmental impact statement described in clause (vii); and

''(ix) the number of proposed actions pending on the date on which the report is submitted for which an environmental impact statement is being drafted.

''(2) NEPA COSTS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget shall jointly develop a methodology to assess the comprehensive costs of the NEPA process.

''(B) REQUIREMENTS.—The head of each Federal agency that carries out the NEPA process shall—

''(i) adopt the methodology developed under subparagraph (A); and

''(ii) use the methodology developed under subparagraph (A) to annually submit to Congress a report describing—

''(I) the comprehensive cost of the NEPA process for each proposed action that was carried out within the reporting period; and

''(II) for a proposed action for which the head of the Federal agency is still completing the NEPA process at the time the report is submitted—

''(aa) the amount of money expended to date to carry out the NEPA process for the proposed action; and

''(bb) an estimate of the remaining costs before the NEPA process for the proposed action is complete.''.

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**SA 2254.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Transportation Empowerment Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;

(2) the objective described in paragraph (1) has been attained, and the Interstate System connecting all States is near completion;

(3) each State has the responsibility of providing an efficient transportation network for the residents of the State;

(4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;

(5) each State is best capable of determining the needs of the State and acting on those needs;

(6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing motor fuels used in the States and then distributing the proceeds to the States based on the perceptions of the Federal Government on what is best for the States;

(7) the Federal Government has used the Federal motor fuels tax revenues to force all States to take actions that are not necessarily appropriate for individual States;

(8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;

(9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and

(10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a new policy blueprint to govern the Federal role in transportation once existing and prior financial obligations are met;

(2) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government;

(3) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(4) to preserve the responsibility of the Department of Transportation for—

(A) design, construction, and preservation of transportation facilities on Federal public land;

(B) national programs of transportation research and development and transportation safety; and

(C) emergency assistance to the States in response to natural disasters;

(5) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of Federal and State transportation facilities; and

(6) with respect to transportation activities carried out by States, local governments, and the private sector, to encourage—

(A) competition among States, local governments, and the private sector; and

(B) innovation, energy efficiency, private sector participation, and productivity.

## TITLE I—HIGHWAY FUNDING

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—

(1) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated out of the Highway Trust Fund:

(A) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation block grant program under section 133 of that title, the highway safety improvement program under section 148 of that title, and the national highway freight program under section 167 of that title $18,450,000,000 for each of fiscal years 2022 through 2026.

(B) EMERGENCY RELIEF.—For emergency relief under section 125 of title 23, United States Code, $100,000,000 for each of fiscal years 2022 through 2026.

(C) FEDERAL LANDS PROGRAMS.—

(i) FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Federal lands transportation program under section 203 of title 23, United States Code, $300,000,000 for each of fiscal years 2022 through 2026, of which—

(I) $240,000,000 of the amount made available for each fiscal year shall be the amount for the National Park Service; and

(II) $30,000,000 of the amount made available for each fiscal year shall be the amount for the United States Fish and Wildlife Service.

(ii) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code, $250,000,000 for each of fiscal years 2022 through 2026.

(b) FUNDING FOR HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund to carry out section 503(b) of title 23, United States Code, $115,000,000 for each of fiscal years 2022 through 2026.

(2) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by paragraph (1) shall—

(A) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this Act (including the amendments by this Act); and

(B) remain available until expended and not be transferable.

**SEC. 102. FEDERALIZATION AND DEFEDERALIZATION OF PROJECTS.**

Notwithstanding any other provision of law, beginning on October 1, 2021—

(1) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project unless and until a State expends Federal funds for the construction portion of the project;

(2) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project solely by reason of the expenditure of Federal funds by a State before the construction phase of the project to pay expenses relating to the project, including for any environmental document or design work required for the project; and

(3)(A) a State may, after having used Federal funds to pay all or a portion of the costs of a highway construction or improvement project, reimburse the Federal Government in an amount equal to the amount of Federal funds so expended; and

(B) after completion of a reimbursement described in subparagraph (A), a highway construction or improvement project described in that subparagraph shall no longer be considered to be a Federal highway construction or improvement project.

**SEC. 103. REPORTING REQUIREMENTS.**

No reporting requirement, other than a reporting requirement in effect as of the date of enactment of this Act, shall apply on or after October 1, 2021, to the use of Federal funds for highway projects by a public-private partnership.

**SEC. 104. FUNDING LIMITATION.**

Notwithstanding any other provision of law, if the Secretary of Transportation determines for any of fiscal years 2022 through 2026 that the aggregate amount required to carry out transportation programs and projects under this Act and the amendments made by this Act exceeds the estimated aggregate amount in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for that program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry

out those programs and projects to an amount equal to the amount available for those programs and projects in the Highway Trust Fund for the fiscal year.

**SEC. 105. REPORTS; CERTIFICATION.**

(a) REPORT ON EXISTING OBLIGATIONS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget (referred to in this section as the ''Director''), in consultation with the Secretary of Transportation, shall develop and submit to Congress a 5-year plan for the use of revenue deposited in the Highway Trust Fund to pay for unpaid obligations under Federal-aid highway programs (as in effect before the date of enactment of this Act) incurred before the date of enactment of this Act.

(2) REQUIREMENT.—In developing the plan under paragraph (1), the Director shall, to the maximum extent practicable, balance payments for new Federal-aid highway projects with continued payment of unpaid obligations described in paragraph (1).

(b) ANNUAL REPORTS.—Not less frequently than annually, the Director shall submit to Congress a report that includes—

(1) a description of the remaining balance of unpaid obligations under Federal-aid highway programs (as in effect before the date of enactment of this Act) incurred before the date of enactment of this Act; and

(2) a status update on the progress made toward achieving the goals of the 5-year plan developed under subsection (a).

(c) CERTIFICATION.—On the date that the Director determines that there are no remaining unpaid obligations under Federal-aid highway programs (as in effect before the date of enactment of this Act) incurred before the date of enactment of this Act, the Director shall submit to Congress a certification that there are no such remaining unpaid obligations.

## TITLE II—FEDERAL-AID HIGHWAY PROGRAM REFORMS

**SEC. 201. DEFINITIONS.**

Section 101(a) of title 23, United States Code, is amended—

(1) by striking paragraph (6) and inserting the following:

''(6) FEDERAL-AID HIGHWAY.—The term 'Federal-aid highway' means a highway on the Interstate System eligible for assistance under this chapter.'';

(2) in paragraph (12), by striking ''section 103(c)'' and inserting ''section 103(b)'';

(3) by striking paragraph (16); and

(4) by redesignating paragraphs (17) through (34) as paragraphs (16) through (33), respectively.

**SEC. 202. FEDERAL-AID SYSTEM.**

(a) IN GENERAL.—Section 103(a) of title 23, United States Code, is amended by striking ''the National Highway System, which includes''.

(b) CONFORMING AMENDMENTS.—

(1) Section 103 of title 23, United States Code, is amended—

(A) by striking the section designation and heading and inserting the following:

**''§ 103. Federal-aid system'';**

(B) by striking subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(2) Section 127(f) of title 23, United States Code, is amended by striking ''section 103(c)(4)(A)'' and inserting ''section 103(b)(4)(A)''.

(3) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 103 and inserting the following:

''103. Federal-aid system.''.

**SEC. 203. APPORTIONMENT.**

Section 104 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund for each of fiscal years 2022 through 2026, to be made available to the Secretary for administrative expenses of the Federal Highway Administration, an amount equal to 1 percent of the amounts made available for programs under this title for the fiscal year.''; and

(B) in paragraph (2)(B), by striking ''the Appalachian development highway system'' and inserting ''the portions of the Appalachian Development Highway System on the Interstate System'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''the congestion mitigation and air quality improvement program, the national highway freight program, and to carry out section 134'' and inserting ''and the national highway freight program'';

(B) in each of paragraphs (1), (2), and (3), by striking ''paragraphs (4), (5), and (6)'' and inserting ''paragraph (4)'';

(C) by striking paragraph (4);

(D) by redesignating paragraph (5) as paragraph (4);

(E) in paragraph (4) (as so redesignated)—

(i) by striking subparagraph (B) and inserting the following:

''(B) TOTAL AMOUNT.—The total amount set aside for the national highway freight program for all States shall be 3.5 percent of the amounts made available for programs under this title for each of fiscal years 2022 through 2026.''; and

(ii) by striking subparagraph (D); and

(F) by striking paragraph (6);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2026'';

(ii) in subparagraph (A)—

(I) by striking clause (i) and inserting the following:

''(i) the base apportionment; by''; and

(II) in clause (ii)(I), by striking ''fiscal year 2015'' and inserting ''fiscal year 2021''; and

(iii) in subparagraph (B), by striking ''(other than the Mass Transit Account)''; and

(B) in paragraph (2)—

(i) by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2026''; and

(ii) by striking ''the congestion mitigation and air quality improvement program under section 149, the national highway freight program under section 167, and to carry out section 134'' and inserting ''and the national highway freight program under section 167'';

(4) by striking subsections (d) and (h);

(5) by redesignating subsections (e) through (g) as subsections (d) through (f), respectively;

(6) by striking subsection (e) (as so redesignated) and inserting the following:

''(e) TRANSFERABILITY OF FUNDS.—

''(1) IN GENERAL.—To the extent that a State determines that funds made available under this title to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation (including public transportation and rail) purpose in the State.

''(2) ENFORCEMENT.—If the Secretary determines that a State has transferred funds under paragraph (1) to a purpose that is not a surface transportation purpose as described in paragraph (1), the amount of the improperly transferred funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.''; and

(7) by striking subsection (i) and inserting the following:

''(g) BASE APPORTIONMENT DEFINED.—In this section, the term 'base apportionment' means the combined amount authorized for appropriation for the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, and the national highway freight program under section 167.''.

**SEC. 204. ADDITIONAL DEPOSITS IN HIGHWAY TRUST FUND.**

(a) IN GENERAL.—Section 105 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105.

**SEC. 205. PROJECT APPROVAL AND OVERSIGHT.**

Section 106 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—For any project under this title, the State may assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspections with respect to the project, unless the Secretary determines that the assumption is not appropriate.''; and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) in subsection (d), in the matter preceding paragraph (1), by striking ''this section, section 133, or section 149'' and inserting ''this section or section 133'';

(3) in subsection (e)(2)—

(A) in subparagraph (A), by striking ''the National Highway System'' and inserting ''the Interstate System''; and

(B) in subparagraph (B), by striking ''the National Highway System'' and inserting ''the Interstate System''; and

(4) in subsection (h)(3)(C), in the second sentence, by striking ''statewide and metropolitan planning requirements in sections 134 and 135'' and inserting ''statewide planning requirements under section 135''.

**SEC. 206. STANDARDS.**

(a) IN GENERAL.—Section 109 of title 23, United States Code, is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d) through (n) as subsections (c) through (m), respectively;

(3) by striking subsection (o);

(4) by redesignating subsections (p) through (r) as subsections (n) through (p), respectively; and

(5) in subsection (n) (as so redesignated), in the matter preceding paragraph (1), by striking ''Notwithstanding subsections (b) and (c), the Secretary may approve a project for the National Highway System'' and inserting ''Notwithstanding subsection (b), the Secretary may approve a project for the Interstate System''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 112 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)(F), by striking ''(F)(F) Subparagraphs (B), (C), (D), and (E) herein'' and inserting the following:

''(F) LIMITATION.—Subparagraphs (B) through (E)''; and

(B) in paragraph (4)(C)(iv)(II), by striking ''section 109(r)'' and inserting ''section 109(p)''; and

(2) in subsection (g)(2)(B), by striking ''section 109(e)(2)'' and inserting ''section 109(d)(2)''.

**SEC. 207. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.**

Section 117 of title 23, United States Code, is amended—

(1) by striking subsection (d) and inserting the following:

''(d) ELIGIBLE PROJECTS.—Except as provided in subsection (e), the Secretary may make a grant under this section only for a project that—

''(1) is—

''(A) a highway freight project carried out on the National Highway Freight Network established under section 167;

''(B) a highway or bridge project carried out on the Interstate System, including a project to add capacity to the Interstate System to improve mobility; or

''(C) a railway-highway grade crossing or grade separation project on the Interstate System; and

''(2) has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(A) $100,000,000; and

''(B) in the case of a project—

''(i) located in 1 State, 30 percent of the amount apportioned under this chapter to the State in the most recently completed fiscal year; or

''(ii) located in more than 1 State, 50 percent of the amount apportioned under this chapter to the participating State with the largest apportionment under this chapter in the most recently completed fiscal year.'';

(2) in subsection (e)(1), by striking ''described in subsection (d)(1)(A) that do not satisfy the minimum threshold under subsection (d)(1)(B)'' and inserting ''described in subsection (d)(1) that do not satisfy the minimum threshold under subsection (d)(2)'';

(3) by striking subsections (k) and (l);

(4) by redesignating subsections (m) and (n) as subsections (k) and (l), respectively; and

(5) in paragraph (1) of subsection (k) (as so redesignated)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) in the first sentence, by striking ''At least 60 days'' and inserting ''Not less than 60 days''; and

(ii) in the second sentence, by striking ''The notification'' and inserting the following:

''(B) INCLUSIONS.—Each notification under subparagraph (A)''.

**SEC. 208. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

Section 119 of title 23, United States Code, is amended—

(1) in subsection (b), by striking ''the National Highway System'' each place it appears and inserting ''the Interstate System'';

(2) in subsection (c), by striking ''the National Highway System, as defined in section 103'' and inserting ''the Interstate System'';

(3) in subsection (d)—

(A) by striking ''the National Highway System'' each place it appears and inserting ''the Interstate System'';

(B) in paragraph (1)(B), by striking ''sections 134 and 135'' and inserting ''section 135''; and

(C) in paragraph (2)—

(i) by striking subparagraphs (F) through (H);

(ii) by redesignating subparagraphs (I) through (L) as subparagraphs (F) through (I), respectively; and

(iii) by striking subparagraphs (M) through (P);

(4) in subsection (e), by striking ''the National Highway System'' each place it appears and inserting ''the Interstate System'';

(5) in subsection (f)—

(A) in the subsection heading, by striking ''AND NHS''; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''NHS'' and inserting ''INTERSTATE SYSTEM''; and

(ii) by striking ''the National Highway System'' each place it appears and inserting ''the Interstate System'';

(6) by striking subsections (g) through (i); and

(7) by redesignating subsection (j) as subsection (g).

**SEC. 209. FEDERAL SHARE PAYABLE.**

Section 120 of title 23, United States Code, is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(3) in subsection (b) (as so redesignated)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''paragraph (1), (2), (5)(D), or (6) of section 104(b)'' and inserting ''paragraph (1) or (2) of section 104(b)''; and

(ii) in subparagraph (C)(i), by striking ''paragraphs (1), (2), (5)(D), and (6) of section 104(b)'' and inserting ''paragraphs (1) and (2) of section 104(b)'';

(4) in subsection (c) (as so redesignated), in the first sentence, by striking ''lands referred to in subsections (a) and (b) of this section'' and inserting ''land referred to in subsection (a)'';

(5) in subsection (d) (as so redesignated), in the matter preceding paragraph (1)—

(A) by striking '', including the Interstate System,''; and

(B) by striking ''subsections (a) and (b)'' and inserting ''subsection (a)'';

(6) by striking subsection (g); and

(7) by redesignating subsections (h) through (k) as subsections (g) through (j), respectively.

**SEC. 210. EMERGENCY RELIEF.**

Section 125 of title 23, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''highways, roads, and trails,'' and inserting ''highways on the Interstate System'';

(2) in subsection (c)(1), by striking ''(other than the Mass Transit Account)'';

(3) in subsection (d)—

(A) in paragraph (3)(C), by inserting ''(as in effect on the day before the date of enactment of the Transportation Empowerment Act)'' after ''subsection (e)(1)''; and

(B) by striking paragraph (5);

(4) by striking subsections (e) and (f); and

(5) by redesignating subsection (g) as subsection (e).

**SEC. 211. TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.**

(a) IN GENERAL.—Section 126 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 126.

**SEC. 212. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

(a) IN GENERAL.—Section 129 of title 23, United States Code, is amended—

(1) by striking subsections (b) and (c);

(2) in subsection (a)—

(A) by striking ''(a) **Basic program**.—''; and

(B) by redesignating paragraphs (1) through (10) as subsections (a) through (j), respectively, and indenting appropriately;

(3) in subsection (a) (as so redesignated)—

(A) by striking subparagraphs (B) and (F);

(B) by redesignating subparagraphs (A), (C), (D), (E), (G), (H), and (I) as paragraphs (1) through (7), respectively, and indenting appropriately;

(C) in paragraph (1) (as so redesignated), by inserting ''on the Interstate System'' after ''tunnel'' each place it appears;

(D) in paragraph (3) (as so redesignated), by inserting ''on the Interstate System'' after ''tunnel'' each place it appears;

(E) in paragraph (4) (as so redesignated), by inserting ''on the Interstate System'' after ''tunnel'' each place it appears;

(F) in paragraph (6) (as so redesignated), by inserting ''on the Interstate System'' after ''tunnel''; and

(G) in paragraph (7), by striking ''this paragraph'' and inserting ''this subsection'';

(4) in subsection (b) (as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking ''this subsection'' and inserting ''this section''; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(5) in subsection (c) (as so redesignated)—

(A) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and indenting appropriately;

(B) in paragraph (1) (as so redesignated), by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(C) in paragraph (2) (as so redesignated)—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(ii) in subparagraph (A) (as so redesignated), by striking ''subparagraph (A)'' and inserting ''paragraph (1)''; and

(D) in paragraph (3) (as so redesignated), by striking ''subparagraph (A)'' each place it appears and inserting ''paragraph (1)'';

(6) in subsection (d) (as so redesignated)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately; and

(B) in paragraph (2) (as so redesignated), by striking ''this paragraph'' and inserting ''this subsection'';

(7) in subsection (e) (as so redesignated), by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(8) in subsection (f) (as so redesignated), by striking ''paragraph (3)'' and inserting ''subsection (c)'';

(9) in subsection (g) (as so redesignated)—

(A) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively, and indenting appropriately;

(B) by striking ''this paragraph'' each place it appears and inserting ''this subsection'';

(C) in paragraph (1) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(D) in paragraph (8) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(10) in subsection (j) (as so redesignated)—

(A) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and indenting appropriately;

(B) in the matter preceding paragraph (1) (as so redesignated), by striking ''this subsection'' and inserting ''this section'';

(C) in paragraph (2) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(D) in paragraph (5) (as so redesignated), by striking ''this subsection'' and inserting ''this section''.

(b) CONFORMING AMENDMENTS.—

(1) Section 165(c)(6)(A) of title 23, United States Code, is amended—

(A) by striking clause (iii); and

(B) by redesignating clauses (iv) through (vii) as clauses (iii) through (vi), respectively.

(2) Section 166(c)(2) of title 23, United States Code, is amended by striking ''section 129(a)(3)'' and inserting ''section 129(c)''.

(3) Section 9 of the International Bridge Act of 1972 (33 U.S.C. 535f) is amended in the second sentence by striking ''section 129(a)(3)'' and inserting ''section 129(c)''.

**SEC. 213. RAILWAY-HIGHWAY CROSSINGS.**

(a) IN GENERAL.—Section 130 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 130.

(2) Section 409 of title 23, United States Code, is amended by striking ''sections 130, 144, and 148'' and inserting ''sections 144 and 148''.

**SEC. 214. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.**

(a) IN GENERAL.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraphs (B), (C), and (E);

(ii) by redesignating subparagraphs (D) and (F) as subparagraphs (B) and (C), respectively;

(iii) in subparagraph (A), by inserting ''that are on the Interstate System'' after ''title 40'';

(iv) in subparagraph (B) (as so redesignated)—

(I) by inserting ''on the Interstate System'' after ''improvements''; and

(II) by inserting ''and'' after the semicolon at the end; and

(v) in subparagraph (C) (as so redesignated), by inserting ''that are on the Interstate System'' before the period at the end;

(B) by striking paragraphs (3), (5), (6), (7), (11), (13), and (15);

(C) by redesignating paragraphs (4), (8), (9), (10), (12), and (14) as paragraphs (3) through (8), respectively;

(D) in paragraph (3) (as so redesignated), by striking'' and transit safety infrastructure improvements and programs, including railway-highway grade crossings'' and inserting ''safety infrastructure improvements and programs on the Interstate System'';

(E) in paragraph (4) (as so redesignated), by striking ''the National Highway System and a performance-based management program for other public roads'' and inserting ''the Interstate System'';

(F) in paragraph (5) (as so redesignated), by inserting ''on the Interstate System'' before the period at the end;

(G) in paragraph (6) (as so redesignated), by inserting ''with respect to the Interstate System'' before the period at the end;

(H) in paragraph (7) (as so redesignated), by inserting ''on the Interstate System'' before the period at the end; and

(I) in paragraph (8) (as so redesignated), by striking ''and chapter 53 of title 49'';

(2) by striking subsection (c) and inserting the following:

''(c) LOCATION OF PROJECTS.—A project under this section may only be carried out on a road on the Interstate System.'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(after the reservation of funds under subsection (h))''; and

(ii) in subparagraph (A), in the matter preceding clause (i), by striking ''paragraph (6)'' and inserting ''paragraph (5)'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(D) in paragraph (4) (as so redesignated), by striking ''sections 134 and 135'' and inserting ''section 135''; and

(E) in paragraph (5) (as so redesignated), by striking ''is'' and all that follows through the period at the end and inserting ''is 55 percent for each of fiscal years 2022 through 2026.'';

(4) in subsection (e)(1), in the matter preceding subparagraph (A), by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2026''; and

(5) by striking subsections (f) through (i).

(b) CONFORMING AMENDMENT.—Section 165(c)(7) of title 23, United States Code, is amended by striking ''paragraphs (1) through (4) of section 133(c) and section 133(b)(12)'' and inserting ''section 133(b)(7)''.

**SEC. 215. METROPOLITAN TRANSPORTATION PLANNING.**

(a) IN GENERAL.—Section 134 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134.

(2) Section 2864(f)(2) of title 10, United States Code, is amended by inserting ''(as in effect on the day before the date of enactment of the Transportation Empowerment Act)'' after ''title 23''.

(3) Section 108(d)(5)(A) of title 23, United States Code, is amended by striking ''sections 134 and 135'' and inserting ''section 135''.

(4) Section 135 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''Subject to section 134, to accomplish the objectives stated in section 134(a)'' and inserting ''To accomplish the objectives stated in section 134(a) (as in effect on the day before the date of enactment of the Transportation Empowerment Act)''; and

(ii) in paragraph (3), by inserting ''(as in effect on the day before the date of enactment of the Transportation Empowerment Act)'' after ''section 134(a)'';

(B) in subsection (b)(1), by striking ''with the transportation planning activities carried out under section 134 for metropolitan areas of the State and'';

(C) in subsection (f)—

(i) in paragraph (2)—

(I) by striking subparagraph (A); and

(II) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively;

(ii) by striking paragraph (4);

(iii) in paragraph (6), by striking ''paragraph (5)'' and inserting ''paragraph (4)''; and

(iv) by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

(D) in subsection (g)—

(i) in paragraph (2)—

(I) by striking subparagraph (A); and

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(ii) in paragraph (3), by striking '',,'' and inserting a comma;

(iii) in paragraph (6)(B), by striking ''5310, 5311, 5316, and 5317'' and inserting ''5310 and 5311''; and

(iv) in paragraph (8), by striking ''and section 134'';

(E) in subsection (i), by striking ''apportioned under paragraphs (5)(D) and (6) of section 104(b) of this title and'';

(F) in subsection (j), by striking ''and section 134'' each place it appears; and

(G) by adding at the end the following:

''(n) DEFINITIONS.—In this section, the definitions under section 134(b) (as in effect on the day before the date of enactment of the Transportation Empowerment Act) shall apply.''.

(5) Section 137 of title 23, United States Code, is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(6) Section 166 of title 23, United States Code, is amended by striking subsection (g).

(7) Section 168(a)(3) of title 23, United States Code, is amended by striking ''metropolitan or statewide transportation planning under section 134 or 135, respectively'' and inserting ''statewide transportation planning under section 135''.

(8) Section 201(c)(1) of title 23, United States Code, is amended by striking ''sections 134 and 135'' and inserting ''section 135''.

(9) Section 327(a)(2)(B)(iv)(I) of title 23, United States Code, is amended by striking ''134 or''.

(10) Section 505 of title 23, United States Code, is amended—

(A) in subsection (a)(2)—

(i) by striking ''metropolitan and''; and

(ii) by striking ''sections 134 and 135'' and inserting ''section 135''; and

(B) in subsection (b)(2), by striking ''sections 134 and 135'' and inserting ''section 135''.

(11) Section 602(a)(3) of title 23, United States Code, is amended by striking ''sections 134 and 135'' and inserting ''section 135''.

(12) Section 174 of the Clean Air Act (42 U.S.C. 7504) is amended—

(A) in the fourth sentence of subsection (a), by striking ''the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for the area under section 134 of title 23, United States Code,'';

(B) by striking subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(13) Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking the second sentence;

(B) in paragraph (7)(A), in the matter preceding clause (i), by striking ''section 134(i) of title 23, United States Code, or''; and

(C) in paragraph (9)—

(i) by striking ''section 134(i) of title 23, United States Code, or''; and

(ii) by striking ''under section 134(j) of such title 23 or''.

(14) Section 182(c)(5) of the Clean Air Act (42 U.S.C. 7511a(c)(5)) is amended—

(A) by striking ''(A) Beginning'' and inserting ''Beginning''; and

(B) in the last sentence by striking ''and with the requirements of section 174(b)''.

(15) Section 5304(i) of title 49, United States Code, is amended—

(A) by striking ''sections 134 and 135'' each place it appears and inserting ''section 135''; and

(B) by striking ''this this'' and inserting ''this''.

**SEC. 216. CONTROL OF JUNKYARDS.**

Section 136 of title 23, United States Code, is amended—

(1) in subsection (a), by striking ''and the primary system'';

(2) in subsection (b), in the first sentence—

(A) by striking ''and the primary system''; and

(B) by striking ''paragraphs (1) through (6) of section 104(b)'' and inserting ''paragraphs (1) through (4) of section 104(b)'';

(3) in subsection (g), by striking ''and the primary system'';

(4) in subsection (k), by striking ''interstate and primary systems'' and inserting ''Interstate System''; and

(5) by striking subsection (n).

**SEC. 217. ENFORCEMENT OF REQUIREMENTS.**

Section 141 of title 23, United States Code, is amended—

(1) in subsection (a), in the first sentence, by striking ''the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System'' and inserting ''the Interstate System''; and

(2) in subsection (b)(2), by striking ''paragraphs (1) through (6) of section 104(b)'' and inserting ''paragraphs (1) through (4) of section 104(b)''.

**SEC. 218. PUBLIC TRANSPORTATION.**

(a) IN GENERAL.—Section 142 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in the second sentence, by striking ''If fees'' and inserting the following:

''(2) RATE.—If fees''; and

(C) by striking ''(a)(1) To encourage'' and inserting the following:

''(a) CONSTRUCTION OF FACILITIES.—

''(1) IN GENERAL.—To encourage'';

(2) by striking subsections (d), (g), (h), and (i);

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(4) in subsection (d) (as so redesignated)—

(A) by striking ''of this section'' each place it appears;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(b) CONFORMING AMENDMENT.—Section 156(a) of title 23, United States Code, is amended by striking ''section 142(f)'' and inserting ''section 142(e)''.

**SEC. 219. HIGHWAY USE TAX EVASION PROJECTS.**

Section 143(b)(2)(A) of title 23, United States Code, is amended by striking ''each of fiscal years 2016 through 2020'' and inserting ''each of fiscal years 2022 through 2026''.

**SEC. 220. NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.**

Section 144 of title 23, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking ''highway bridges and tunnels of the United States'' and inserting ''bridges on the Interstate System'';

(B) in subparagraph (B), by striking ''highway bridges and tunnels'' and inserting ''bridges on the Interstate System''; and

(C) in subparagraph (E), by striking ''National Highway System bridges and bridges on all public roads'' and inserting ''bridges on the Interstate System'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''all highway bridges on public roads, on and off Federal-aid highways,'' and inserting ''all bridges on the Interstate System,''; and

(B) in paragraph (2), by striking ''all tunnels on public roads, on and off Federal-aid highways,'' and inserting ''all tunnels on the Interstate System,'';

(3) in subsection (d)—

(A) by striking paragraphs (2) and (4); and

(B) by redesignating paragraph (3) as paragraph (2);

(4) in subsection (e)(1), by inserting ''on the Interstate System'' after ''any bridge'';

(5) in subsection (f)(1), in the matter preceding subparagraph (A), by inserting ''on the Interstate System'' after ''any bridge'';

(6) in subsection (g)—

(A) in paragraph (1), by inserting ''on the Interstate System'' after ''any bridge''; and

(B) in paragraph (3), by striking ''bridges on and off Federal-aid highways'' and inserting ''bridges on the Interstate System'';

(7) in subsection (h)—

(A) in paragraph (1)(A), by striking ''highway bridges and tunnels'' and inserting ''bridges and tunnels on the Interstate System'';

(B) in paragraph (2), by striking ''highway'' each place it appears and inserting ''Interstate System''; and

(C) in paragraph (3)(B)(i), by striking ''highway bridges'' and inserting ''Interstate System bridges'';

(8) in subsection (i)(1), by striking ''highway bridge'' and inserting ''Interstate System bridge''; and

(9) in subsection (j)—

(A) in paragraph (3)(B), by striking ''a transportation improvement program under section 134(j) or a statewide transportation improvement program under section 135, as applicable'' and inserting ''a statewide transportation improvement program under section 135''; and

(B) in paragraph (4)(A), by striking ''sections 134 and 135'' and inserting ''section 135''.

**SEC. 221. CARPOOL AND VANPOOL PROJECTS.**

(a) IN GENERAL.—Section 146 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 146.

**SEC. 222. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.**

(a) IN GENERAL.—Section 147 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 147.

**SEC. 223. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''roadway functionally classified as a rural major or minor collector or a rural local road'' and inserting ''road on the Interstate System'';

(B) in paragraph (2), by striking ''all public roads'' and inserting ''all roads on the Interstate System'';

(C) in paragraph (4)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''on a public road'' and inserting ''on the Interstate System''; and

(ii) in subparagraph (B)—

(I) in clause (iii), by striking '', if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities'';

(II) by striking clauses (v), (xviii), (xix), (xxiii), (xxvi), (xxvii), and (xxviii);

(III) by redesignating clauses (vi) through (xvii), (xx) through (xxii), (xxiv), and (xxv) as clauses (v) through (xxi), respectively; and

(IV) in clause (xix) (as so redesignated), by inserting ''on the Interstate System'' after ''improvements'';

(D) in paragraph (9)(A), by striking ''a public road'' and inserting ''the Interstate System''; and

(E) in paragraph (11)(D), by striking ''all public roads, including non-State-owned public roads and roads on tribal land'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land'';

(2) in subsection (b)(2), by striking ''all public roads, including non-State-owned public roads and roads on tribal land'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land'';

(3) in subsection (c)(2)—

(A) in subparagraph (A)(i), by striking ''all public roads, including non-State-owned public roads and roads on tribal land in the State'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land in the State'';

(B) in subparagraph (B)(iii), by striking ''all public roads'' and inserting ''all roads on the Interstate System'';

(C) in subparagraph (C)(i), by striking ''all public roads'' and inserting ''all roads on the Interstate System''; and

(D) in subparagraph (D)—

(i) in clause (ii), by striking ''all public roads, including public non-State-owned roads and roads on tribal land'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land'';

(ii) in clause (iii), by striking ''all public roads'' and inserting ''all roads on the Interstate System''; and

(iii) in clause (v), by striking ''all public roads in the State'' and inserting ''all roads on the Interstate System in the State'';

(4) in subsection (d)(1)(B)—

(A) in clause (iv), by striking ''rural roads, including all public roads,'' and inserting ''roads on the Interstate System in rural areas''; and

(B) in clause (viii), by striking ''all public roads, including non-State-owned public roads and roads on tribal land'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land'';

(5) in subsection (e)(1)—

(A) in subparagraph (A), by striking ''on any public road or publicly owned bicycle or pedestrian pathway or trail'' and inserting ''on any road on the Interstate System''; and

(B) in subparagraph (C), by striking ''a public road'' and inserting ''a road on the Interstate System'';

(6) in subsection (f)(1)(B), by striking ''all public roads'' each place it appears and inserting ''all roads on the Interstate System'';

(7) in subsection (h)(1)(C), by striking ''all public roads'' each place it appears and inserting ''all roads on the Interstate System'';

(8) in subsection (i)(2)(D), by striking ''safety safety'' and inserting ''safety'';

(9) in subsection (j), by striking ''sections 120 and 130'' and inserting ''section 120''; and

(10) by striking subsection (k).

**SEC. 224. REPEAL OF CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.**

(a) IN GENERAL.—Section 149 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149.

(2) Section 322(h)(3) of title 23, United States Code, is amended by striking ''and the congestion mitigation and air quality improvement program under section 149''.

(3) Section 505(a)(3) of title 23, United States Code, is amended by striking ''149,''.

**SEC. 225. NATIONAL GOALS AND PERFORMANCE MEASURES.**

Section 150 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''all public roads'' and inserting ''all roads on the Interstate System''; and

(B) in paragraph (3), by striking ''National Highway System'' and inserting ''Interstate System'';

(2) in subsection (c)—

(A) in paragraph (3)(A)(ii), by striking subclauses (II) through (V) and inserting the following:

''(II) the condition of bridges on the Interstate System; and

''(III) the performance of the Interstate System;'';

(B) by striking paragraph (5); and

(C) by redesignating paragraph (6) as paragraph (5);

(3) in subsection (d)(1), by striking ''(5), and (6)'' and inserting ''and (5)''; and

(4) in subsection (e), by striking ''National Highway System'' each place it appears and inserting ''Interstate System''.

**SEC. 226. NATIONAL ELECTRIC VEHICLE CHARGING AND HYDROGEN, PROPANE, AND NATURAL GAS FUELING CORRIDORS.**

Section 151(a) of title 23, United States Code, is amended by striking ''major national highways'' and inserting ''the Interstate System''.

**SEC. 227. HAZARD ELIMINATION PROGRAM.**

(a) IN GENERAL.—Section 152 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 152.

**SEC. 228. NATIONAL SCENIC BYWAYS PROGRAM.**

Section 162(a)(2) of title 23, United States Code, is amended by inserting '', subject to the condition that the road is a road on the Interstate System'' before the period at the end.

**SEC. 229. NATIONAL HIGHWAY FREIGHT PROGRAM.**

Section 167 of title 23, United States Code, is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking ''subparagraph (E)'' and inserting ''subparagraphs (E) and (F)''; and

(B) by adding at the end the following:

''(F) REQUIREMENT.—In redesignating the primary highway freight system under subparagraph (A), the Administrator shall ensure that all roads on the primary highway freight system are roads on the Interstate System.'';

(2) in subsection (e)(1), in the matter preceding subparagraph (A)—

(A) by striking ''a public road'' and inserting ''a road on the Interstate System''; and

(B) by striking ''the public road'' and inserting ''the road'';

(3) in subsection (f), by striking ''public road'' each place it appears and inserting ''road on the Interstate System'';

(4) in subsection (i)—

(A) by striking ''section 104(b)(5)'' each place it appears and inserting ''section 104(b)(4)'';

(B) in paragraph (5)—

(i) by striking subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (C) (as so redesignated)—

(I) by striking clauses (vi), (xi), (xiv), (xviii), (xxii), and (xxiii); and

(II) by redesignating clauses (vii) through (x), (xii) and (xiii), (xv) through (xvii), and (xix) through (xxi) as clauses (vi) through (xvii), respectively;

(C) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking ''for'' and all that follows through ''the necessary costs'' in subparagraph (B) in the matter preceding clause (i) and inserting ''for the necessary costs''; and

(ii) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively, and indenting appropriately; and

(D) in paragraph (7), by striking ''sections 134 and 135'' and inserting ''section 135'';

(5) in subsection (k)(1)(A)(ii), by striking ''ports-of'' and inserting ''ports of''; and

(6) by striking subsection (l).

**SEC. 230. RECREATIONAL TRAILS PROGRAM.**

(a) IN GENERAL.—Section 206 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 325 of title 23, United States Code, is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206.

**SEC. 231. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.**

(a) IN GENERAL.—Section 217 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 1524(a) of MAP–21 (23 U.S.C. 206 note; Public Law 112–141) is amended by striking ''sections 162, 206, 213, and 217'' and inserting ''section 162''.

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 217.

**SEC. 232. ALASKA HIGHWAY.**

(a) IN GENERAL.—Section 218 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 218.

**SEC. 233. CONFORMING AMENDMENTS.**

(a) CONTROL OF OUTDOOR ADVERTISING.—Section 131(t) of title 23, United States Code, is amended by striking '', and any highway which is not on such system but which is on the National Highway System''.

(b) ELIMINATION OF MASS TRANSIT ACCOUNT.—

(1) Section 102(b) of title 23, United States Code, is amended in the first sentence by striking ''(other than the Mass Transit Account)''.

(2) Section 118(a) of title 23, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(3) Section 156(a) of title 23, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(4) Section 321 of title 23, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(5) Section 323(b)(1) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by striking ''(other than the Mass Transit Account)''.

(6) Section 521(b)(10) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(7) Section 6308 of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(8) Section 31104(g) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(9) Section 31110(d) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(10) Section 31138(d)(5) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(11) Section 31139(g)(5) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(c) NATIONAL HIGHWAY SYSTEM REPEAL.—Section 111(d)(1) of title 23, United States Code, is amended in the first sentence by striking ''the National Highway System'' and inserting ''the Interstate System''.

## TITLE III—HIGHWAY TRUST FUND AND RELATED TAXES

### Subtitle A—Highway Trust Fund Authority

**SEC. 301. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.**

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2021'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''October 1, 2026'', and

(2) by striking ''Continuing Appropriations Act, 2021 and Other Extensions Act'' in subsections (c)(1) and (e)(3) and inserting ''Transportation Empowerment Act''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking ''Continuing Appropriations Act, 2021 and Other Extensions Act'' each place it appears in subsection (b)(2) and inserting ''Transportation Empowerment Act'', and

(2) by striking ''October 1, 2021'' in subsection (d)(2) and inserting ''October 1, 2026''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of such Code is amended by striking ''October 1, 2021'' and inserting ''October 1, 2026''.

**SEC. 302. TERMINATION OF MASS TRANSIT ACCOUNT.**

Section 9503(e) of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence of paragraph (2), by inserting '', and before October 1, 2021'' after ''March 31, 1983'', and

(2) by adding at the end the following:

''(6) TRANSFER TO HIGHWAY ACCOUNT.—On the date on which Director of the Office of Management and Budget submits the certification under section 105(c) of the Transportation Empowerment Act, the Secretary shall transfer all amounts in the Mass Transit Account to the Highway Account.''.

**SEC. 303. TRANSFER OF UNUSED COVID–19 APPROPRIATIONS TO THE HIGHWAY TRUST FUND.**

(a) ECONOMIC INJURY DISASTER LOAN SUBSIDY.—

(1) TRANSFER.—Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Disaster Loans Program Account'' in title II of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), $13,500,000,000 are hereby transferred to the Highway Trust Fund.

(2) DESIGNATION.—The amount transferred pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) TARGETED EIDL ADVANCE.—

(1) Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Targeted EIDL Advance'' in section 323(d)(1)(D) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $17,578,000,000 are hereby transferred to the Highway Trust Fund.

(2) The unobligated balances from amounts made available in section 5002(b) of the American Rescue Plan Act of 2021 (Public Law 117–2) are hereby transferred to the Highway Trust Fund.

(c) ECONOMIC STABILIZATION PROGRAM.—Of the unobligated balances from amounts made available in section 4027(a) of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9601), $1,366,100,000 are

hereby transferred to the Highway Trust Fund.

(d) BUSINESS LOANS PROGRAM ACCOUNT.—

(1) Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'' in section 1107(a)(1) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), as amended by section 101(a)(2) of division A of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), and in section 323(d)(1)(A) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) for carrying out paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), $4,684,000,000 are hereby transferred to the Highway Trust Fund.

(2) Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Business Loans Program Account'' in section 323(d)(1)(F) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $992,000,000 are hereby transferred to the Highway Trust Fund.

(e) PANDEMIC RELIEF FOR AVIATION WORKERS, CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT).—Of the unobligated balances from amounts made available in section 4120 of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9080), $3,000,000,000 are hereby transferred to the Highway Trust Fund.

(f) EDUCATION STABILIZATION FUND.—

(1) TRANSFER.—Of the unobligated balances from amounts made available under the heading ''Education Stabilization Fund'' in title VIII of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) and in title III of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260) that were reserved for the Higher Education Emergency Relief Fund by sections 18004(a)(1) and 18004(a)(2) of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) and sections 314(a)(1), 314(a)(2), and 314(a)(4) of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $353,400,000 are hereby transferred to the Highway Trust Fund.

(2) DESIGNATION.—The amount transferred pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(g) SMALL BUSINESS ADMINISTRATION, SALARIES AND EXPENSES.—

(1) TRANSFER.—Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Salaries and Expenses'' in section 1107(a)(2) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), in title II of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), and in section 323(d)(1)(C) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $175,000,000 are hereby transferred to the Highway Trust Fund.

(2) DESIGNATION.—The amount transferred pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(h) PANDEMIC RELIEF FOR AVIATION WORKERS.—Of the unobligated balances from amounts made available in section 411 of subtitle A of title IV of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9101), $200,000,000 are hereby transferred to the Highway Trust Fund.

(i) CONFORMING AMENDMENT.—Section 9503(f) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

''(11) TRANSFER OF UNUSED COVID–19 APPROPRIATIONS.—There is hereby transferred to the Highway Trust Fund the amounts described in subsections (a) through (h) of section 303 of the Transportation Empowerment Act.''.

**SEC. 304. TERMINATION OF EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID–19.**

(a) TERMINATION OF CREDIT.—

(1) IN GENERAL.—Section 3134 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (c)(5)—

(i) in subparagraph (A), by adding ''and'' at the end,

(ii) in subparagraph (B), by striking '', and'' at the end and inserting a period, and

(iii) by striking subparagraph (C), and

(B) in subsection (n), by striking ''January 1, 2022'' and inserting ''October 1, 2021 (or, in the case of wages paid by an eligible employer which is a recovery startup business, January 1, 2022)''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to calendar quarters beginning after September 30, 2021.

(b) TRANSFERS OF SAVINGS TO THE HIGHWAY TRUST FUND.—Section 9503(f) of the Internal Revenue Code of 1986, as amended by section 303(i), is further amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

''(12) SAVINGS FROM TERMINATION OF EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID–19.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to savings achieved as a result of the amendments made by section 304 of the Transportation Empowerment Act, as estimated by the Secretary.''.

**SEC. 305. TRANSFER OF UNUSED CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS TO THE HIGHWAY TRUST FUND.**

(a) TRANSFER OF FUNDS.—

(1) IN GENERAL.—Of the unobligated balances of the amounts appropriated under sections 602(a) and 603(a) of the Social Security Act (42 U.S.C. 802(a), 803(a)) as of the date of enactment of this Act, $70,000,000,000 are hereby transferred to the Highway Trust Fund.

(2) APPORTIONMENT.—In carrying out paragraph (1), the Secretary of the Treasury shall transfer the funds specified in such paragraph from the unobligated balances of the amounts appropriated under sections 602(a)(1) and 603(a) of such Act in equal proportion to the greatest extent practicable.

(b) CONFORMING AMENDMENTS.—

(1) CORONAVIRUS STATE FISCAL RECOVERY FUND.—Section 602(b)(4) of the Social Security Act (42 U.S.C. 802(b)(4)) is amended to read as follows:

''(4) ADJUSTMENT AUTHORITY.—The amounts otherwise determined for allocation and payment under paragraphs (1), (2), and (3)—

''(A) shall be adjusted by the Secretary on a pro rata basis to the extent necessary to carry out the transfer of funds required under section 305(a) of the Transportation Empowerment Act; and

''(B) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are allocated to States, territories, and Tribal governments in accordance with the requirements specified in each such paragraph (as applicable).''.

(2) CORONAVIRUS LOCAL FISCAL RECOVERY FUND.—Section 603(b)(5) of the Social Security Act (42 U.S.C. 803(b)(5) is amended to read as follows:

''(5) ADJUSTMENT AUTHORITY.—The amounts otherwise determined for allocation and payment under paragraphs (1), (2), and (3)—

''(A) shall be adjusted by the Secretary on a pro rata basis to the extent necessary to carry out the transfer of funds required under section 305(a) of the Transportation Empowerment Act; and

''(B) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are distributed to metropolitan cities, counties, and States in accordance with the requirements specified in each paragraph (as applicable) and the certification requirement specified in subsection (d).''.

(c) CONFORMING AMENDMENT.—Section 9503(f) of the Internal Revenue Code of 1986, as amended by section 304(b), is further amended by redesignating paragraph (13) as paragraph (14) and by inserting after paragraph (12) the following new paragraph:

''(13) TRANSFER OF UNUSED COVID–19 APPROPRIATIONS.—There is hereby transferred to the Highway Trust Fund the amounts described in section 305(a) of the Transportation Empowerment Act.''.

**Subtitle B—Highway Related Taxes**

**SEC. 311. REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS FUNDING HIGHWAY TRUST FUND.**

(a) REDUCTION IN TAX RATE.—

(1) IN GENERAL.—Section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended—

(A) in clause (i), by striking ''18.3 cents'' and inserting ''7 cents'', and

(B) in clause (iii), by striking ''24.3 cents'' and inserting ''8.3 cents''.

(2) CONFORMING AMENDMENTS.—

(A) Section 4081(a)(2)(D) of such Code is amended—

(i) by striking ''19.7 cents'' and inserting ''6.7 cents'', and

(ii) by striking ''24.3 cents'' and inserting ''8.3 cents''.

(B) Section 6427(b)(2)(A) of such Code is amended by striking ''7.4 cents'' and inserting ''2.5 cents''.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 4041(a)(1)(C)(iii)(I) of the Internal Revenue Code of 1986 is amended by striking ''7.3 cents per gallon (4.3 cents per gallon after'' and inserting ''1.5 cents per gallon (zero cents per gallon after''.

(2) Section 4041(a)(2)(B)(ii) of such Code is amended by striking ''18.3 cents'' and inserting ''7 cents''.

(3) Clauses (iii) and (iv) of section 4041(a)(2)(B) of such Code are each amended by striking ''24.3 cents'' and inserting ''8.3 cents''.

(4) Section 4041(a)(3)(A) of such Code is amended by striking ''18.3 cents'' and inserting ''7 cents''.

(5) Section 4041(m)(1) of such Code is amended—

(A) in subparagraph (A)(i), by striking ''9.15 cents'' and inserting ''3.1 cents'',

(B) in subparagraph (A)(ii), by striking ''11.3 cents'' and inserting ''3.9 cents'', and

(C) in subparagraph (B), by striking all after ''2022'' and inserting '', zero cents per gallon.''.

(6) Section 4081(d)(1) of such Code is amended by striking ''4.3 cents per gallon'' and inserting ''zero cents per gallon''.

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the applicable date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale;

there shall be credited or refunded (without interest) to the person who paid such tax (in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date that is 6 months after the applicable date, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the applicable date—

(i) the dealer submits a request for refund or credit to the taxpayer before the date that is 3 months after the applicable date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection—

(A) APPLICABLE DATE.—The term ''applicable date'' means the first day of the first calendar quarter beginning after the date of the enactment of this Act.

(B) OTHER TERMS.—The terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 and sections 6206 and 6675 of such Code shall apply for purposes of this subsection.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), the amendments made by this section shall apply to fuel removed on or after the first day of the first calendar quarter beginning after the date of the enactment of this Act.

(2) CERTAIN CONFORMING AMENDMENTS.—The amendments made by paragraphs (1), (2), (3), (4), and (5) of subsection (b) shall apply to fuel sold or used after the first day of the first calendar quarter beginning after the date of the enactment of this Act.

**SEC. 312. EXTENSION OF HIGHWAY-RELATED TAXES.**

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2022'' and inserting ''September 30, 2027'':

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027'':

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''2023'' each place it appears and inserting ''2028'':

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2022'' each place it appears and inserting ''October 1, 2027'',

(2) by striking ''March 31, 2023'' each place it appears and inserting ''March 31, 2027'', and

(3) by striking ''January 1, 2023'' and inserting ''January 1, 2028''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027''.

(2) Section 4483(i) of such Code is amended by striking ''October 1, 2023'' and inserting ''October 1, 2028''.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking ''October 1, 2022'' each place it appears in paragraphs (1) and (2) and inserting ''October 1, 2027'',

(ii) by striking ''OCTOBER 1, 2022'' in the heading of paragraph (2) and inserting ''OCTOBER 1, 2027'',

(iii) by striking ''September 30, 2022'' in paragraph (2) and inserting ''September 30, 2027'', and

(iv) by striking ''July 1, 2023'' in paragraph (2) and inserting ''July 1, 2027'', and

(B) in subsection (c)(2), by striking ''July 1, 2023'' and inserting ''July 1, 2028''.

(2) SMALL-ENGINE FUEL TAX TRANSFERS.—Paragraph (4)(A) of section 9503(c) of such Code is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027''.

(f) TERMINATION OF MOTORBOAT FUEL TAX TRANSFERS.—

(1) IN GENERAL.—Paragraph (3)(A)(i) of section 9503(c) of such Code is amended by striking ''October 1, 2022'' and inserting ''October 1, 2021''.

(2) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(A) by striking ''October 1, 2023'' each place it appears and inserting ''October 1, 2022''; and

(B) by striking ''October 1, 2022'' and inserting ''October 1, 2021''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2021.

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**SA 2255.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Transportation Empowerment Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;

(2) the objective described in paragraph (1) has been attained, and the Interstate System connecting all States is near completion;

(3) each State has the responsibility of providing an efficient transportation network for the residents of the State;

(4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;

(5) each State is best capable of determining the needs of the State and acting on those needs;

(6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing motor fuels used in the States and then distributing the proceeds to the States based on the perceptions of the Federal Government on what is best for the States;

(7) the Federal Government has used the Federal motor fuels tax revenues to force all States to take actions that are not necessarily appropriate for individual States;

(8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;

(9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and

(10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a new policy blueprint to govern the Federal role in transportation once existing and prior financial obligations are met;

(2) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government;

(3) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(4) to preserve the responsibility of the Department of Transportation for—

(A) design, construction, and preservation of transportation facilities on Federal public land;

(B) national programs of transportation research and development and transportation safety; and

(C) emergency assistance to the States in response to natural disasters;

(5) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of Federal and State transportation facilities; and

(6) with respect to transportation activities carried out by States, local governments, and the private sector, to encourage—

(A) competition among States, local governments, and the private sector; and

(B) innovation, energy efficiency, private sector participation, and productivity.

## TITLE I—HIGHWAY FUNDING

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—

(1) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated out of the Highway Trust Fund:

(A) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation block grant program under section 133 of that title, the highway safety improvement program under section 148 of that title, and the national highway freight program under section 167 of that title $18,450,000,000 for each of fiscal years 2022 through 2026.

(B) EMERGENCY RELIEF.—For emergency relief under section 125 of title 23, United States Code, $100,000,000 for each of fiscal years 2022 through 2026.

(C) FEDERAL LANDS PROGRAMS.—

(i) FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Federal lands transportation program under section 203 of title 23, United States Code, $300,000,000 for each of fiscal years 2022 through 2026, of which—

(I) $240,000,000 of the amount made available for each fiscal year shall be the amount for the National Park Service; and

(II) $30,000,000 of the amount made available for each fiscal year shall be the amount for the United States Fish and Wildlife Service.

(ii) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code, $250,000,000 for each of fiscal years 2022 through 2026.

(b) FUNDING FOR HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund to carry out section 503(b) of title 23, United States Code, $115,000,000 for each of fiscal years 2022 through 2026.

(2) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by paragraph (1) shall—

(A) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this Act (including the amendments by this Act); and

(B) remain available until expended and not be transferable.

**SEC. 102. FEDERALIZATION AND DEFEDERALIZATION OF PROJECTS.**

Notwithstanding any other provision of law, beginning on October 1, 2021—

(1) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project unless and until a State expends Federal funds for the construction portion of the project;

(2) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project solely by reason of the expenditure of Federal funds by a State before the construction phase of the project to pay expenses relating to the project, including for any environmental document or design work required for the project; and

(3)(A) a State may, after having used Federal funds to pay all or a portion of the costs of a highway construction or improvement project, reimburse the Federal Government in an amount equal to the amount of Federal funds so expended; and

(B) after completion of a reimbursement described in subparagraph (A), a highway construction or improvement project described in that subparagraph shall no longer be considered to be a Federal highway construction or improvement project.

**SEC. 103. REPORTING REQUIREMENTS.**

No reporting requirement, other than a reporting requirement in effect as of the date of enactment of this Act, shall apply on or after October 1, 2021, to the use of Federal funds for highway projects by a public-private partnership.

**SEC. 104. FUNDING LIMITATION.**

Notwithstanding any other provision of law, if the Secretary of Transportation determines for any of fiscal years 2022 through 2026 that the aggregate amount required to carry out transportation programs and projects under this Act and the amendments made by this Act exceeds the estimated aggregate amount in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for that program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to the amount available for those programs and projects in the Highway Trust Fund for the fiscal year.

**SEC. 105. REPORTS; CERTIFICATION.**

(a) REPORT ON EXISTING OBLIGATIONS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget (referred to in this section as the ''Director''), in consultation with the Secretary of Transportation, shall develop and submit to Congress a 5-year plan for the use of revenue deposited in the Highway Trust Fund to pay for unpaid obligations under Federal-aid highway programs (as in effect before the date of enactment of this Act) incurred before the date of enactment of this Act.

(2) REQUIREMENT.—In developing the plan under paragraph (1), the Director shall, to the maximum extent practicable, balance payments for new Federal-aid highway projects with continued payment of unpaid obligations described in paragraph (1).

(b) ANNUAL REPORTS.—Not less frequently than annually, the Director shall submit to Congress a report that includes—

(1) a description of the remaining balance of unpaid obligations under Federal-aid highway programs (as in effect before the date of enactment of this Act) incurred before the date of enactment of this Act; and

(2) a status update on the progress made toward achieving the goals of the 5-year plan developed under subsection (a).

(c) CERTIFICATION.—On the date that the Director determines that there are no remaining unpaid obligations under Federal-aid highway programs (as in effect before the date of enactment of this Act) incurred before the date of enactment of this Act, the Director shall submit to Congress a certification that there are no such remaining unpaid obligations.

## TITLE II—FEDERAL-AID HIGHWAY PROGRAM REFORMS

**SEC. 201. DEFINITIONS.**

Section 101(a) of title 23, United States Code, is amended—

(1) by striking paragraph (6) and inserting the following:

''(6) FEDERAL-AID HIGHWAY.—The term 'Federal-aid highway' means a highway on the Interstate System eligible for assistance under this chapter.'';

(2) in paragraph (12), by striking ''section 103(c)'' and inserting ''section 103(b)'';

(3) by striking paragraph (16); and

(4) by redesignating paragraphs (17) through (34) as paragraphs (16) through (33), respectively.

**SEC. 202. FEDERAL-AID SYSTEM.**

(a) IN GENERAL.—Section 103(a) of title 23, United States Code, is amended by striking

''the National Highway System, which includes''.

(b) CONFORMING AMENDMENTS.—

(1) Section 103 of title 23, United States Code, is amended—

(A) by striking the section designation and heading and inserting the following:

**''§ 103. Federal-aid system'';**

(B) by striking subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(2) Section 127(f) of title 23, United States Code, is amended by striking ''section 103(c)(4)(A)'' and inserting ''section 103(b)(4)(A)''.

(3) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 103 and inserting the following:

''103. Federal-aid system.''.

**SEC. 203. APPORTIONMENT.**

Section 104 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund for each of fiscal years 2022 through 2026, to be made available to the Secretary for administrative expenses of the Federal Highway Administration, an amount equal to 1 percent of the amounts made available for programs under this title for the fiscal year.''; and

(B) in paragraph (2)(B), by striking ''the Appalachian development highway system'' and inserting ''the portions of the Appalachian Development Highway System on the Interstate System'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''the congestion mitigation and air quality improvement program, the national highway freight program, and to carry out section 134'' and inserting ''and the national highway freight program'';

(B) in each of paragraphs (1), (2), and (3), by striking ''paragraphs (4), (5), and (6)'' and inserting ''paragraph (4)'';

(C) by striking paragraph (4);

(D) by redesignating paragraph (5) as paragraph (4);

(E) in paragraph (4) (as so redesignated)—

(i) by striking subparagraph (B) and inserting the following:

''(B) TOTAL AMOUNT.—The total amount set aside for the national highway freight program for all States shall be 3.5 percent of the amounts made available for programs under this title for each of fiscal years 2022 through 2026.''; and

(ii) by striking subparagraph (D); and

(F) by striking paragraph (6);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2026'';

(ii) in subparagraph (A)—

(I) by striking clause (i) and inserting the following:

''(i) the base apportionment; by''; and

(II) in clause (ii)(I), by striking ''fiscal year 2015'' and inserting ''fiscal year 2021''; and

(iii) in subparagraph (B), by striking ''(other than the Mass Transit Account)''; and

(B) in paragraph (2)—

(i) by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2026''; and

(ii) by striking ''the congestion mitigation and air quality improvement program under section 149, the national highway freight program under section 167, and to carry out section 134'' and inserting ''and the national highway freight program under section 167'';

(4) by striking subsections (d) and (h);

(5) by redesignating subsections (e) through (g) as subsections (d) through (f), respectively;

(6) by striking subsection (e) (as so redesignated) and inserting the following:

''(e) TRANSFERABILITY OF FUNDS.—

''(1) IN GENERAL.—To the extent that a State determines that funds made available under this title to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation (including public transportation and rail) purpose in the State.

''(2) ENFORCEMENT.—If the Secretary determines that a State has transferred funds under paragraph (1) to a purpose that is not a surface transportation purpose as described in paragraph (1), the amount of the improperly transferred funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.''; and

(7) by striking subsection (i) and inserting the following:

''(g) BASE APPORTIONMENT DEFINED.—In this section, the term 'base apportionment' means the combined amount authorized for appropriation for the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, and the national highway freight program under section 167.''.

**SEC. 204. ADDITIONAL DEPOSITS IN HIGHWAY TRUST FUND.**

(a) IN GENERAL.—Section 105 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105.

**SEC. 205. PROJECT APPROVAL AND OVERSIGHT.**

Section 106 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—For any project under this title, the State may assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspections with respect to the project, unless the Secretary determines that the assumption is not appropriate.''; and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) in subsection (d), in the matter preceding paragraph (1), by striking ''this section, section 133, or section 149'' and inserting ''this section or section 133'';

(3) in subsection (e)(2)—

(A) in subparagraph (A), by striking ''the National Highway System'' and inserting ''the Interstate System''; and

(B) in subparagraph (B), by striking ''the National Highway System'' and inserting ''the Interstate System''; and

(4) in subsection (h)(3)(C), in the second sentence, by striking ''statewide and metropolitan planning requirements in sections 134 and 135'' and inserting ''statewide planning requirements under section 135''.

**SEC. 206. STANDARDS.**

(a) IN GENERAL.—Section 109 of title 23, United States Code, is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d) through (n) as subsections (c) through (m), respectively;

(3) by striking subsection (o);

(4) by redesignating subsections (p) through (r) as subsections (n) through (p), respectively; and

(5) in subsection (n) (as so redesignated), in the matter preceding paragraph (1), by striking ''Notwithstanding subsections (b) and (c), the Secretary may approve a project for the National Highway System'' and inserting ''Notwithstanding subsection (b), the Secretary may approve a project for the Interstate System''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 112 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)(F), by striking ''(F)(F) Subparagraphs (B), (C), (D), and (E) herein'' and inserting the following:

''(F) LIMITATION.—Subparagraphs (B) through (E)''; and

(B) in paragraph (4)(C)(iv)(II), by striking ''section 109(r)'' and inserting ''section 109(p)''; and

(2) in subsection (g)(2)(B), by striking ''section 109(e)(2)'' and inserting ''section 109(d)(2)''.

**SEC. 207. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.**

Section 117 of title 23, United States Code, is amended—

(1) by striking subsection (d) and inserting the following:

''(d) ELIGIBLE PROJECTS.—Except as provided in subsection (e), the Secretary may make a grant under this section only for a project that—

''(1) is—

''(A) a highway freight project carried out on the National Highway Freight Network established under section 167;

''(B) a highway or bridge project carried out on the Interstate System, including a project to add capacity to the Interstate System to improve mobility; or

''(C) a railway-highway grade crossing or grade separation project on the Interstate System; and

''(2) has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(A) $100,000,000; and

''(B) in the case of a project—

''(i) located in 1 State, 30 percent of the amount apportioned under this chapter to the State in the most recently completed fiscal year; or

''(ii) located in more than 1 State, 50 percent of the amount apportioned under this chapter to the participating State with the largest apportionment under this chapter in the most recently completed fiscal year.'';

(2) in subsection (e)(1), by striking ''described in subsection (d)(1)(A) that do not satisfy the minimum threshold under subsection (d)(1)(B)'' and inserting ''described in subsection (d)(1) that do not satisfy the minimum threshold under subsection (d)(2)'';

(3) by striking subsections (k) and (l);

(4) by redesignating subsections (m) and (n) as subsections (k) and (l), respectively; and

(5) in paragraph (1) of subsection (k) (as so redesignated)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) in the first sentence, by striking ''At least 60 days'' and inserting ''Not less than 60 days''; and

(ii) in the second sentence, by striking ''The notification'' and inserting the following:

''(B) INCLUSIONS.—Each notification under subparagraph (A)''.

**SEC. 208. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

Section 119 of title 23, United States Code, is amended—

(1) in subsection (b), by striking ''the National Highway System'' each place it appears and inserting ''the Interstate System'';

(2) in subsection (c), by striking ''the National Highway System, as defined in section 103'' and inserting ''the Interstate System'';

(3) in subsection (d)—

(A) by striking ''the National Highway System'' each place it appears and inserting ''the Interstate System'';

(B) in paragraph (1)(B), by striking ''sections 134 and 135'' and inserting ''section 135''; and

(C) in paragraph (2)—

(i) by striking subparagraphs (F) through (H);

(ii) by redesignating subparagraphs (I) through (L) as subparagraphs (F) through (I), respectively; and

(iii) by striking subparagraphs (M) through (P);

(4) in subsection (e), by striking ''the National Highway System'' each place it appears and inserting ''the Interstate System'';

(5) in subsection (f)—

(A) in the subsection heading, by striking ''AND NHS''; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''NHS'' and inserting ''INTERSTATE SYSTEM''; and

(ii) by striking ''the National Highway System'' each place it appears and inserting ''the Interstate System'';

(6) by striking subsections (g) through (i); and

(7) by redesignating subsection (j) as subsection (g).

**SEC. 209. FEDERAL SHARE PAYABLE.**

Section 120 of title 23, United States Code, is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(3) in subsection (b) (as so redesignated)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''paragraph (1), (2), (5)(D), or (6) of section 104(b)'' and inserting ''paragraph (1) or (2) of section 104(b)''; and

(ii) in subparagraph (C)(i), by striking ''paragraphs (1), (2), (5)(D), and (6) of section 104(b)'' and inserting ''paragraphs (1) and (2) of section 104(b)'';

(4) in subsection (c) (as so redesignated), in the first sentence, by striking ''lands referred to in subsections (a) and (b) of this section'' and inserting ''land referred to in subsection (a)'';

(5) in subsection (d) (as so redesignated), in the matter preceding paragraph (1)—

(A) by striking '', including the Interstate System,''; and

(B) by striking ''subsections (a) and (b)'' and inserting ''subsection (a)'';

(6) by striking subsection (g); and

(7) by redesignating subsections (h) through (k) as subsections (g) through (j), respectively.

**SEC. 210. EMERGENCY RELIEF.**

Section 125 of title 23, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''highways, roads, and trails,'' and inserting ''highways on the Interstate System'';

(2) in subsection (c)(1), by striking ''(other than the Mass Transit Account)'';

(3) in subsection (d)—

(A) in paragraph (3)(C), by inserting ''(as in effect on the day before the date of enactment of the Transportation Empowerment Act)'' after ''subsection (e)(1)''; and

(B) by striking paragraph (5);

(4) by striking subsections (e) and (f); and

(5) by redesignating subsection (g) as subsection (e).

**SEC. 211. TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.**

(a) IN GENERAL.—Section 126 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 126.

**SEC. 212. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

(a) IN GENERAL.—Section 129 of title 23, United States Code, is amended—

(1) by striking subsections (b) and (c);

(2) in subsection (a)—

(A) by striking ''(a) **Basic program**.—''; and

(B) by redesignating paragraphs (1) through (10) as subsections (a) through (j), respectively, and indenting appropriately;

(3) in subsection (a) (as so redesignated)—

(A) by striking subparagraphs (B) and (F);

(B) by redesignating subparagraphs (A), (C), (D), (E), (G), (H), and (I) as paragraphs (1) through (7), respectively, and indenting appropriately;

(C) in paragraph (1) (as so redesignated), by inserting ''on the Interstate System'' after ''tunnel'' each place it appears;

(D) in paragraph (3) (as so redesignated), by inserting ''on the Interstate System'' after ''tunnel'' each place it appears;

(E) in paragraph (4) (as so redesignated), by inserting ''on the Interstate System'' after ''tunnel'' each place it appears;

(F) in paragraph (6) (as so redesignated), by inserting ''on the Interstate System'' after ''tunnel''; and

(G) in paragraph (7), by striking ''this paragraph'' and inserting ''this subsection'';

(4) in subsection (b) (as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking ''this subsection'' and inserting ''this section''; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(5) in subsection (c) (as so redesignated)—

(A) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and indenting appropriately;

(B) in paragraph (1) (as so redesignated), by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(C) in paragraph (2) (as so redesignated)—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(ii) in subparagraph (A) (as so redesignated), by striking ''subparagraph (A)'' and inserting ''paragraph (1)''; and

(D) in paragraph (3) (as so redesignated), by striking ''subparagraph (A)'' each place it appears and inserting ''paragraph (1)'';

(6) in subsection (d) (as so redesignated)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately; and

(B) in paragraph (2) (as so redesignated), by striking ''this paragraph'' and inserting ''this subsection'';

(7) in subsection (e) (as so redesignated), by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(8) in subsection (f) (as so redesignated), by striking ''paragraph (3)'' and inserting ''subsection (c)'';

(9) in subsection (g) (as so redesignated)—

(A) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively, and indenting appropriately;

(B) by striking ''this paragraph'' each place it appears and inserting ''this subsection'';

(C) in paragraph (1) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(D) in paragraph (8) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(10) in subsection (j) (as so redesignated)—

(A) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and indenting appropriately;

(B) in the matter preceding paragraph (1) (as so redesignated), by striking ''this subsection'' and inserting ''this section'';

(C) in paragraph (2) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(D) in paragraph (5) (as so redesignated), by striking ''this subsection'' and inserting ''this section''.

(b) CONFORMING AMENDMENTS.—

(1) Section 165(c)(6)(A) of title 23, United States Code, is amended—

(A) by striking clause (iii); and

(B) by redesignating clauses (iv) through (vii) as clauses (iii) through (vi), respectively.

(2) Section 166(c)(2) of title 23, United States Code, is amended by striking ''section 129(a)(3)'' and inserting ''section 129(c)''.

(3) Section 9 of the International Bridge Act of 1972 (33 U.S.C. 535f) is amended in the second sentence by striking ''section 129(a)(3)'' and inserting ''section 129(c)''.

**SEC. 213. RAILWAY-HIGHWAY CROSSINGS.**

(a) IN GENERAL.—Section 130 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 130.

(2) Section 409 of title 23, United States Code, is amended by striking ''sections 130, 144, and 148'' and inserting ''sections 144 and 148''.

**SEC. 214. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.**

(a) IN GENERAL.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraphs (B), (C), and (E);

(ii) by redesignating subparagraphs (D) and (F) as subparagraphs (B) and (C), respectively;

(iii) in subparagraph (A), by inserting ''that are on the Interstate System'' after ''title 40'';

(iv) in subparagraph (B) (as so redesignated)—

(I) by inserting ''on the Interstate System'' after ''improvements''; and

(II) by inserting ''and'' after the semicolon at the end; and

(v) in subparagraph (C) (as so redesignated), by inserting ''that are on the Interstate System'' before the period at the end;

(B) by striking paragraphs (3), (5), (6), (7), (11), (13), and (15);

(C) by redesignating paragraphs (4), (8), (9), (10), (12), and (14) as paragraphs (3) through (8), respectively;

(D) in paragraph (3) (as so redesignated), by striking'' and transit safety infrastructure improvements and programs, including railway-highway grade crossings'' and inserting ''safety infrastructure improvements and programs on the Interstate System'';

(E) in paragraph (4) (as so redesignated), by striking ''the National Highway System and a performance-based management program for other public roads'' and inserting ''the Interstate System'';

(F) in paragraph (5) (as so redesignated), by inserting ''on the Interstate System'' before the period at the end;

(G) in paragraph (6) (as so redesignated), by inserting ''with respect to the Interstate System'' before the period at the end;

(H) in paragraph (7) (as so redesignated), by inserting ''on the Interstate System'' before the period at the end; and

(I) in paragraph (8) (as so redesignated), by striking ''and chapter 53 of title 49'';

(2) by striking subsection (c) and inserting the following:

''(c) LOCATION OF PROJECTS.—A project under this section may only be carried out on a road on the Interstate System.'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(after the reservation of funds under subsection (h))''; and

(ii) in subparagraph (A), in the matter preceding clause (i), by striking ''paragraph (6)'' and inserting ''paragraph (5)'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(D) in paragraph (4) (as so redesignated), by striking ''sections 134 and 135'' and inserting ''section 135''; and

(E) in paragraph (5) (as so redesignated), by striking ''is'' and all that follows through the period at the end and inserting ''is 55 percent for each of fiscal years 2022 through 2026.'';

(4) in subsection (e)(1), in the matter preceding subparagraph (A), by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2026''; and

(5) by striking subsections (f) through (i).

(b) CONFORMING AMENDMENT.—Section 165(c)(7) of title 23, United States Code, is amended by striking ''paragraphs (1) through (4) of section 133(c) and section 133(b)(12)'' and inserting ''section 133(b)(7)''.

**SEC. 215. METROPOLITAN TRANSPORTATION PLANNING.**

(a) IN GENERAL.—Section 134 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134.

(2) Section 2864(f)(2) of title 10, United States Code, is amended by inserting ''(as in effect on the day before the date of enactment of the Transportation Empowerment Act)'' after ''title 23''.

(3) Section 108(d)(5)(A) of title 23, United States Code, is amended by striking ''sections 134 and 135'' and inserting ''section 135''.

(4) Section 135 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''Subject to section 134, to accomplish the objectives stated in section 134(a)'' and inserting ''To accomplish the objectives stated in section 134(a) (as in effect on the day before the date of enactment of the Transportation Empowerment Act)''; and

(ii) in paragraph (3), by inserting ''(as in effect on the day before the date of enactment of the Transportation Empowerment Act)'' after ''section 134(a)'';

(B) in subsection (b)(1), by striking ''with the transportation planning activities carried out under section 134 for metropolitan areas of the State and'';

(C) in subsection (f)—

(i) in paragraph (2)—

(I) by striking subparagraph (A); and

(II) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively;

(ii) by striking paragraph (4);

(iii) in paragraph (6), by striking ''paragraph (5)'' and inserting ''paragraph (4)''; and

(iv) by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

(D) in subsection (g)—

(i) in paragraph (2)—

(I) by striking subparagraph (A); and

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(ii) in paragraph (3), by striking '',,'' and inserting a comma;

(iii) in paragraph (6)(B), by striking ''5310, 5311, 5316, and 5317'' and inserting ''5310 and 5311''; and

(iv) in paragraph (8), by striking ''and section 134'';

(E) in subsection (i), by striking ''apportioned under paragraphs (5)(D) and (6) of section 104(b) of this title and'';

(F) in subsection (j), by striking ''and section 134'' each place it appears; and

(G) by adding at the end the following:

''(n) DEFINITIONS.—In this section, the definitions under section 134(b) (as in effect on the day before the date of enactment of the Transportation Empowerment Act) shall apply.''.

(5) Section 137 of title 23, United States Code, is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(6) Section 166 of title 23, United States Code, is amended by striking subsection (g).

(7) Section 168(a)(3) of title 23, United States Code, is amended by striking ''metropolitan or statewide transportation planning under section 134 or 135, respectively'' and inserting ''statewide transportation planning under section 135''.

(8) Section 201(c)(1) of title 23, United States Code, is amended by striking ''sections 134 and 135'' and inserting ''section 135''.

(9) Section 327(a)(2)(B)(iv)(I) of title 23, United States Code, is amended by striking ''134 or''.

(10) Section 505 of title 23, United States Code, is amended—

(A) in subsection (a)(2)—

(i) by striking ''metropolitan and''; and

(ii) by striking ''sections 134 and 135'' and inserting ''section 135''; and

(B) in subsection (b)(2), by striking ''sections 134 and 135'' and inserting ''section 135''.

(11) Section 602(a)(3) of title 23, United States Code, is amended by striking ''sections 134 and 135'' and inserting ''section 135''.

(12) Section 174 of the Clean Air Act (42 U.S.C. 7504) is amended—

(A) in the fourth sentence of subsection (a), by striking ''the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for the area under section 134 of title 23, United States Code,'';

(B) by striking subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(13) Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking the second sentence;

(B) in paragraph (7)(A), in the matter preceding clause (i), by striking ''section 134(i) of title 23, United States Code, or''; and

(C) in paragraph (9)—

(i) by striking ''section 134(i) of title 23, United States Code, or''; and

(ii) by striking ''under section 134(j) of such title 23 or''.

(14) Section 182(c)(5) of the Clean Air Act (42 U.S.C. 7511a(c)(5)) is amended—

(A) by striking ''(A) Beginning'' and inserting ''Beginning''; and

(B) in the last sentence by striking ''and with the requirements of section 174(b)''.

(15) Section 5304(i) of title 49, United States Code, is amended—

(A) by striking ''sections 134 and 135'' each place it appears and inserting ''section 135''; and

(B) by striking ''this this'' and inserting ''this''.

**SEC. 216. CONTROL OF JUNKYARDS.**

Section 136 of title 23, United States Code, is amended—

(1) in subsection (a), by striking ''and the primary system'';

(2) in subsection (b), in the first sentence—

(A) by striking ''and the primary system''; and

(B) by striking ''paragraphs (1) through (6) of section 104(b)'' and inserting ''paragraphs (1) through (4) of section 104(b)'';

(3) in subsection (g), by striking ''and the primary system'';

(4) in subsection (k), by striking ''interstate and primary systems'' and inserting ''Interstate System''; and

(5) by striking subsection (n).

**SEC. 217. ENFORCEMENT OF REQUIREMENTS.**

Section 141 of title 23, United States Code, is amended—

(1) in subsection (a), in the first sentence, by striking ''the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System'' and inserting ''the Interstate System''; and

(2) in subsection (b)(2), by striking ''paragraphs (1) through (6) of section 104(b)'' and inserting ''paragraphs (1) through (4) of section 104(b)''.

**SEC. 218. PUBLIC TRANSPORTATION.**

(a) IN GENERAL.—Section 142 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in the second sentence, by striking ''If fees'' and inserting the following:

''(2) RATE.—If fees''; and

(C) by striking ''(a)(1) To encourage'' and inserting the following:

''(a) CONSTRUCTION OF FACILITIES.—

''(1) IN GENERAL.—To encourage'';

(2) by striking subsections (d), (g), (h), and (i);

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(4) in subsection (d) (as so redesignated)—

(A) by striking ''of this section'' each place it appears;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(b) CONFORMING AMENDMENT.—Section 156(a) of title 23, United States Code, is amended by striking ''section 142(f)'' and inserting ''section 142(e)''.

**SEC. 219. HIGHWAY USE TAX EVASION PROJECTS.**

Section 143(b)(2)(A) of title 23, United States Code, is amended by striking ''each of fiscal years 2016 through 2020'' and inserting ''each of fiscal years 2022 through 2026''.

**SEC. 220. NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.**

Section 144 of title 23, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking ''highway bridges and tunnels of the United States'' and inserting ''bridges on the Interstate System'';

(B) in subparagraph (B), by striking ''highway bridges and tunnels'' and inserting ''bridges on the Interstate System''; and

(C) in subparagraph (E), by striking ''National Highway System bridges and bridges

on all public roads'' and inserting ''bridges on the Interstate System'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''all highway bridges on public roads, on and off Federal-aid highways,'' and inserting ''all bridges on the Interstate System,''; and

(B) in paragraph (2), by striking ''all tunnels on public roads, on and off Federal-aid highways,'' and inserting ''all tunnels on the Interstate System,'';

(3) in subsection (d)—

(A) by striking paragraphs (2) and (4); and

(B) by redesignating paragraph (3) as paragraph (2);

(4) in subsection (e)(1), by inserting ''on the Interstate System'' after ''any bridge'';

(5) in subsection (f)(1), in the matter preceding subparagraph (A), by inserting ''on the Interstate System'' after ''any bridge'';

(6) in subsection (g)—

(A) in paragraph (1), by inserting ''on the Interstate System'' after ''any bridge''; and

(B) in paragraph (3), by striking ''bridges on and off Federal-aid highways'' and inserting ''bridges on the Interstate System'';

(7) in subsection (h)—

(A) in paragraph (1)(A), by striking ''highway bridges and tunnels'' and inserting ''bridges and tunnels on the Interstate System'';

(B) in paragraph (2), by striking ''highway'' each place it appears and inserting ''Interstate System''; and

(C) in paragraph (3)(B)(i), by striking ''highway bridges'' and inserting ''Interstate System bridges'';

(8) in subsection (i)(1), by striking ''highway bridge'' and inserting ''Interstate System bridge''; and

(9) in subsection (j)—

(A) in paragraph (3)(B), by striking ''a transportation improvement program under section 134(j) or a statewide transportation improvement program under section 135, as applicable'' and inserting ''a statewide transportation improvement program under section 135''; and

(B) in paragraph (4)(A), by striking ''sections 134 and 135'' and inserting ''section 135''.

**SEC. 221. CARPOOL AND VANPOOL PROJECTS.**

(a) IN GENERAL.—Section 146 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 146.

**SEC. 222. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.**

(a) IN GENERAL.—Section 147 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 147.

**SEC. 223. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''roadway functionally classified as a rural major or minor collector or a rural local road'' and inserting ''road on the Interstate System'';

(B) in paragraph (2), by striking ''all public roads'' and inserting ''all roads on the Interstate System'';

(C) in paragraph (4)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''on a public road'' and inserting ''on the Interstate System''; and

(ii) in subparagraph (B)—

(I) in clause (iii), by striking '', if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities'';

(II) by striking clauses (v), (xviii), (xix), (xxiii), (xxvi), (xxvii), and (xxviii);

(III) by redesignating clauses (vi) through (xvii), (xx) through (xxii), (xxiv), and (xxv) as clauses (v) through (xxi), respectively; and

(IV) in clause (xix) (as so redesignated), by inserting ''on the Interstate System'' after ''improvements'';

(D) in paragraph (9)(A), by striking ''a public road'' and inserting ''the Interstate System''; and

(E) in paragraph (11)(D), by striking ''all public roads, including non-State-owned public roads and roads on tribal land'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land'';

(2) in subsection (b)(2), by striking ''all public roads, including non-State-owned public roads and roads on tribal land'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land'';

(3) in subsection (c)(2)—

(A) in subparagraph (A)(i), by striking ''all public roads, including non-State-owned public roads and roads on tribal land in the State'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land in the State'';

(B) in subparagraph (B)(iii), by striking ''all public roads'' and inserting ''all roads on the Interstate System'';

(C) in subparagraph (C)(i), by striking ''all public roads'' and inserting ''all roads on the Interstate System''; and

(D) in subparagraph (D)—

(i) in clause (ii), by striking ''all public roads, including public non-State-owned roads and roads on tribal land'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land'';

(ii) in clause (iii), by striking ''all public roads'' and inserting ''all roads on the Interstate System''; and

(iii) in clause (v), by striking ''all public roads in the State'' and inserting ''all roads on the Interstate System in the State'';

(4) in subsection (d)(1)(B)—

(A) in clause (iv), by striking ''rural roads, including all public roads,'' and inserting ''roads on the Interstate System in rural areas''; and

(B) in clause (viii), by striking ''all public roads, including non-State-owned public roads and roads on tribal land'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land'';

(5) in subsection (e)(1)—

(A) in subparagraph (A), by striking ''on any public road or publicly owned bicycle or pedestrian pathway or trail'' and inserting ''on any road on the Interstate System''; and

(B) in subparagraph (C), by striking ''a public road'' and inserting ''a road on the Interstate System'';

(6) in subsection (f)(1)(B), by striking ''all public roads'' each place it appears and inserting ''all roads on the Interstate System'';

(7) in subsection (h)(1)(C), by striking ''all public roads'' each place it appears and inserting ''all roads on the Interstate System'';

(8) in subsection (i)(2)(D), by striking ''safety safety'' and inserting ''safety'';

(9) in subsection (j), by striking ''sections 120 and 130'' and inserting ''section 120''; and

(10) by striking subsection (k).

**SEC. 224. REPEAL OF CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.**

(a) IN GENERAL.—Section 149 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149.

(2) Section 322(h)(3) of title 23, United States Code, is amended by striking ''and the congestion mitigation and air quality improvement program under section 149''.

(3) Section 505(a)(3) of title 23, United States Code, is amended by striking ''149,''.

**SEC. 225. NATIONAL GOALS AND PERFORMANCE MEASURES.**

Section 150 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''all public roads'' and inserting ''all roads on the Interstate System''; and

(B) in paragraph (3), by striking ''National Highway System'' and inserting ''Interstate System'';

(2) in subsection (c)—

(A) in paragraph (3)(A)(ii), by striking subclauses (II) through (V) and inserting the following:

''(II) the condition of bridges on the Interstate System; and

''(III) the performance of the Interstate System;'';

(B) by striking paragraph (5); and

(C) by redesignating paragraph (6) as paragraph (5);

(3) in subsection (d)(1), by striking ''(5), and (6)'' and inserting ''and (5)''; and

(4) in subsection (e), by striking ''National Highway System'' each place it appears and inserting ''Interstate System''.

**SEC. 226. NATIONAL ELECTRIC VEHICLE CHARGING AND HYDROGEN, PROPANE, AND NATURAL GAS FUELING CORRIDORS.**

Section 151(a) of title 23, United States Code, is amended by striking ''major national highways'' and inserting ''the Interstate System''.

**SEC. 227. HAZARD ELIMINATION PROGRAM.**

(a) IN GENERAL.—Section 152 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 152.

**SEC. 228. NATIONAL SCENIC BYWAYS PROGRAM.**

Section 162(a)(2) of title 23, United States Code, is amended by inserting '', subject to the condition that the road is a road on the Interstate System'' before the period at the end.

**SEC. 229. NATIONAL HIGHWAY FREIGHT PROGRAM.**

Section 167 of title 23, United States Code, is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking ''subparagraph (E)'' and inserting ''subparagraphs (E) and (F)''; and

(B) by adding at the end the following:

''(F) REQUIREMENT.—In redesignating the primary highway freight system under subparagraph (A), the Administrator shall ensure that all roads on the primary highway freight system are roads on the Interstate System.'';

(2) in subsection (e)(1), in the matter preceding subparagraph (A)—

(A) by striking ''a public road'' and inserting ''a road on the Interstate System''; and

(B) by striking ''the public road'' and inserting ''the road'';

(3) in subsection (f), by striking ''public road'' each place it appears and inserting ''road on the Interstate System'';

(4) in subsection (i)—

(A) by striking ''section 104(b)(5)'' each place it appears and inserting ''section 104(b)(4)'';

(B) in paragraph (5)—

(i) by striking subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (C) (as so redesignated)—

(I) by striking clauses (vi), (xi), (xiv), (xviii), (xxii), and (xxiii); and

(II) by redesignating clauses (vii) through (x), (xii) and (xiii), (xv) through (xvii), and (xix) through (xxi) as clauses (vi) through (xvii), respectively;

(C) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking ''for'' and all that follows through ''the necessary costs'' in subparagraph (B) in the matter preceding clause (i) and inserting ''for the necessary costs''; and

(ii) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively, and indenting appropriately; and

(D) in paragraph (7), by striking ''sections 134 and 135'' and inserting ''section 135'';

(5) in subsection (k)(1)(A)(ii), by striking ''ports-of'' and inserting ''ports of''; and

(6) by striking subsection (l).

**SEC. 230. RECREATIONAL TRAILS PROGRAM.**

(a) IN GENERAL.—Section 206 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 325 of title 23, United States Code, is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206.

**SEC. 231. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.**

(a) IN GENERAL.—Section 217 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 1524(a) of MAP–21 (23 U.S.C. 206 note; Public Law 112–141) is amended by striking ''sections 162, 206, 213, and 217'' and inserting ''section 162''.

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 217.

**SEC. 232. ALASKA HIGHWAY.**

(a) IN GENERAL.—Section 218 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 218.

**SEC. 233. CONFORMING AMENDMENTS.**

(a) CONTROL OF OUTDOOR ADVERTISING.—Section 131(t) of title 23, United States Code, is amended by striking '', and any highway which is not on such system but which is on the National Highway System''.

(b) ELIMINATION OF MASS TRANSIT ACCOUNT.—

(1) Section 102(b) of title 23, United States Code, is amended in the first sentence by striking ''(other than the Mass Transit Account)''.

(2) Section 118(a) of title 23, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(3) Section 156(a) of title 23, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(4) Section 321 of title 23, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(5) Section 323(b)(1) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by striking ''(other than the Mass Transit Account)''.

(6) Section 521(b)(10) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(7) Section 6308 of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(8) Section 31104(g) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(9) Section 31110(d) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(10) Section 31138(d)(5) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(11) Section 31139(g)(5) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(c) NATIONAL HIGHWAY SYSTEM REPEAL.—Section 111(d)(1) of title 23, United States Code, is amended in the first sentence by striking ''the National Highway System'' and inserting ''the Interstate System''.

## TITLE III—HIGHWAY TRUST FUND AND RELATED TAXES

### Subtitle A—Highway Trust Fund Authority

**SEC. 301. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.**

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2021'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''October 1, 2026'', and

(2) by striking ''Continuing Appropriations Act, 2021 and Other Extensions Act'' in subsections (c)(1) and (e)(3) and inserting ''Transportation Empowerment Act''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking ''Continuing Appropriations Act, 2021 and Other Extensions Act'' each place it appears in subsection (b)(2) and inserting ''Transportation Empowerment Act'', and

(2) by striking ''October 1, 2021'' in subsection (d)(2) and inserting ''October 1, 2026''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of such Code is amended by striking ''October 1, 2021'' and inserting ''October 1, 2026''.

**SEC. 302. TERMINATION OF MASS TRANSIT ACCOUNT.**

Section 9503(e) of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence of paragraph (2), by inserting '', and before October 1, 2021'' after ''March 31, 1983'', and

(2) by adding at the end the following:

''(6) TRANSFER TO HIGHWAY ACCOUNT.—On the date on which Director of the Office of Management and Budget submits the certification under section 105(c) of the Transportation Empowerment Act, the Secretary shall transfer all amounts in the Mass Transit Account to the Highway Account.''.

**SEC. 303. TRANSFER OF UNUSED COVID–19 APPROPRIATIONS TO THE HIGHWAY TRUST FUND.**

(a) ECONOMIC INJURY DISASTER LOAN SUBSIDY.—

(1) TRANSFER.—Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Disaster Loans Program Account'' in title II of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), $13,500,000,000 are hereby transferred to the Highway Trust Fund.

(2) DESIGNATION.—The amount transferred pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) TARGETED EIDL ADVANCE.—

(1) Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Targeted EIDL Advance'' in section 323(d)(1)(D) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $17,578,000,000 are hereby transferred to the Highway Trust Fund.

(2) The unobligated balances from amounts made available in section 5002(b) of the American Rescue Plan Act of 2021 (Public Law 117–2) are hereby transferred to the Highway Trust Fund.

(c) ECONOMIC STABILIZATION PROGRAM.—Of the unobligated balances from amounts made available in section 4027(a) of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9601), $1,366,100,000 are hereby transferred to the Highway Trust Fund.

(d) BUSINESS LOANS PROGRAM ACCOUNT.—

(1) Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'' in section 1107(a)(1) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), as amended by section 101(a)(2) of division A of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), and in section 323(d)(1)(A) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) for carrying out paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), $4,684,000,000 are hereby transferred to the Highway Trust Fund.

(2) Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Business Loans Program Account'' in section 323(d)(1)(F) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $992,000,000 are hereby transferred to the Highway Trust Fund.

(e) PANDEMIC RELIEF FOR AVIATION WORKERS, CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT).—Of the unobligated balances from amounts made available in section 4120 of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9080), $3,000,000,000 are hereby transferred to the Highway Trust Fund.

(f) EDUCATION STABILIZATION FUND.—

(1) TRANSFER.—Of the unobligated balances from amounts made available under the heading ''Education Stabilization Fund'' in title VIII of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) and in title III of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260) that were reserved for the Higher Education Emergency Relief Fund by sections 18004(a)(1) and 18004(a)(2) of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) and sections 314(a)(1), 314(a)(2), and 314(a)(4) of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $353,400,000 are hereby transferred to the Highway Trust Fund.

(2) DESIGNATION.—The amount transferred pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(g) SMALL BUSINESS ADMINISTRATION, SALARIES AND EXPENSES.—

(1) RESCISSION.—Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Salaries and Expenses'' in section 1107(a)(2) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), in title II of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), and in section 323(d)(1)(C) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $175,000,000 are hereby transferred to the Highway Trust Fund.

(2) DESIGNATION.—The amount transferred pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(h) PANDEMIC RELIEF FOR AVIATION WORKERS.—Of the unobligated balances from amounts made available in section 411 of subtitle A of title IV of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9101), $200,000,000 are hereby transferred to the Highway Trust Fund.

(i) CONFORMING AMENDMENT.—Section 9503(f) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

''(11) TRANSFER OF UNUSED COVID–19 APPROPRIATIONS.—There is hereby transferred to the Highway Trust Fund the amounts described in subsections (a) through (h) of section 303 of the Transportation Empowerment Act.''.

**SEC. 304. TERMINATION OF EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID–19.**

(a) TERMINATION OF CREDIT.—

(1) IN GENERAL.—Section 3134 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (c)(5)—

(i) in subparagraph (A), by adding ''and'' at the end,

(ii) in subparagraph (B), by striking '', and'' at the end and inserting a period, and

(iii) by striking subparagraph (C), and

(B) in subsection (n), by striking ''January 1, 2022'' and inserting ''October 1, 2021 (or, in the case of wages paid by an eligible employer which is a recovery startup business, January 1, 2022)''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to calendar quarters beginning after September 30, 2021.

(b) TRANSFERS OF SAVINGS TO THE HIGHWAY TRUST FUND.—Section 9503(f) of the Internal Revenue Code of 1986, as amended by section 303(i), is further amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

''(12) SAVINGS FROM TERMINATION OF EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID–19.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to savings achieved as a result of the amendments made by section 304 of the Transportation Empowerment Act, as estimated by the Secretary.''.

**SEC. 305. TRANSFER OF UNUSED CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS TO THE HIGHWAY TRUST FUND.**

(a) TRANSFER OF FUNDS.—

(1) IN GENERAL.—Of the unobligated balances of the amounts appropriated under sections 602(a) and 603(a) of the Social Security Act (42 U.S.C. 802(a), 803(a)) as of the date of enactment of this Act, $70,000,000,000 are hereby transferred to the Highway Trust Fund.

(2) APPORTIONMENT.—In carrying out paragraph (1), the Secretary of the Treasury shall transfer the funds specified in such paragraph from the unobligated balances of the amounts appropriated under sections 602(a)(1) and 603(a) of such Act in equal proportion to the greatest extent practicable.

(b) CONFORMING AMENDMENTS.—

(1) CORONAVIRUS STATE FISCAL RECOVERY FUND.—Section 602(b)(4) of the Social Security Act (42 U.S.C. 802(b)(4)) is amended to read as follows:

''(4) ADJUSTMENT AUTHORITY.—The amounts otherwise determined for allocation and payment under paragraphs (1), (2), and (3)—

''(A) shall be adjusted by the Secretary on a pro rata basis to the extent necessary to carry out the transfer of funds required under section 305(a) of the Transportation Empowerment Act; and

''(B) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are allocated to States, territories, and Tribal governments in accordance with the requirements specified in each such paragraph (as applicable).''.

(2) CORONAVIRUS LOCAL FISCAL RECOVERY FUND.—Section 603(b)(5) of the Social Security Act (42 U.S.C. 803(b)(5) is amended to read as follows:

''(5) ADJUSTMENT AUTHORITY.—The amounts otherwise determined for allocation and payment under paragraphs (1), (2), and (3)—

''(A) shall be adjusted by the Secretary on a pro rata basis to the extent necessary to carry out the transfer of funds required under section 305(a) of the Transportation Empowerment Act; and

''(B) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are distributed to metropolitan cities, counties, and States in accordance with the requirements specified in each paragraph (as applicable) and the certification requirement specified in subsection (d).''.

(c) CONFORMING AMENDMENT.—Section 9503(f) of the Internal Revenue Code of 1986, as amended by section 304(b), is further amended by redesignating paragraph (13) as paragraph (14) and by inserting after paragraph (12) the following new paragraph:

''(13) TRANSFER OF UNUSED COVID–19 APPROPRIATIONS.—There is hereby transferred to the Highway Trust Fund the amounts described in section 305(a) of the Transportation Empowerment Act.''.

**Subtitle B—Highway Related Taxes**

**SEC. 311. REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS FUNDING HIGHWAY TRUST FUND.**

(a) REDUCTION IN TAX RATE.—

(1) IN GENERAL.—Section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended—

(A) in clause (i), by striking ''18.3 cents'' and inserting ''7 cents'', and

(B) in clause (iii), by striking ''24.3 cents'' and inserting ''8.3 cents''.

(2) CONFORMING AMENDMENTS.—

(A) Section 4081(a)(2)(D) of such Code is amended—

(i) by striking ''19.7 cents'' and inserting ''6.7 cents'', and

(ii) by striking ''24.3 cents'' and inserting ''8.3 cents''.

(B) Section 6427(b)(2)(A) of such Code is amended by striking ''7.4 cents'' and inserting ''2.5 cents''.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 4041(a)(1)(C)(iii)(I) of the Internal Revenue Code of 1986 is amended by striking ''7.3 cents per gallon (4.3 cents per gallon after'' and inserting ''1.5 cents per gallon (zero cents per gallon after''.

(2) Section 4041(a)(2)(B)(ii) of such Code is amended by striking ''18.3 cents'' and inserting ''7 cents''.

(3) Clauses (iii) and (iv) of section 4041(a)(2)(B) of such Code are each amended by striking ''24.3 cents'' and inserting ''8.3 cents''.

(4) Section 4041(a)(3)(A) of such Code is amended by striking ''18.3 cents'' and inserting ''7 cents''.

(5) Section 4041(m)(1) of such Code is amended—

(A) in subparagraph (A)(i), by striking ''9.15 cents'' and inserting ''3.1 cents'',

(B) in subparagraph (A)(ii), by striking ''11.3 cents'' and inserting ''3.9 cents'', and

(C) in subparagraph (B), by striking all after ''2022'' and inserting '', zero cents per gallon.''.

(6) Section 4081(d)(1) of such Code is amended by striking ''4.3 cents per gallon'' and inserting ''zero cents per gallon''.

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the applicable date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale;

there shall be credited or refunded (without interest) to the person who paid such tax (in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date that is 6 months after the applicable date, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the applicable date—

(i) the dealer submits a request for refund or credit to the taxpayer before the date that is 3 months after the applicable date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection—

(A) APPLICABLE DATE.—The term ''applicable date'' means the first day of the first calendar quarter beginning after the date of the enactment of this Act.

(B) OTHER TERMS.—The terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 and sections 6206 and 6675 of such Code shall apply for purposes of this subsection.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), the amendments made by this section shall apply to fuel removed on or

after the first day of the first calendar quarter beginning after the date of the enactment of this Act.

(2) CERTAIN CONFORMING AMENDMENTS.—The amendments made by paragraphs (1), (2), (3), (4), and (5) of subsection (b) shall apply to fuel sold or used after the first day of the first calendar quarter beginning after the date of the enactment of this Act.

**SEC. 312. EXTENSION OF HIGHWAY-RELATED TAXES.**

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2022'' and inserting ''September 30, 2027'':

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027'':

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''2023'' each place it appears and inserting ''2028'':

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2022'' each place it appears and inserting ''October 1, 2027'',

(2) by striking ''March 31, 2023'' each place it appears and inserting ''March 31, 2027'', and

(3) by striking ''January 1, 2023'' and inserting ''January 1, 2028''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027''.

(2) Section 4483(i) of such Code is amended by striking ''October 1, 2023'' and inserting ''October 1, 2028''.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking ''October 1, 2022'' each place it appears in paragraphs (1) and (2) and inserting ''October 1, 2027'',

(ii) by striking ''OCTOBER 1, 2022'' in the heading of paragraph (2) and inserting ''OCTOBER 1, 2027'',

(iii) by striking ''September 30, 2022'' in paragraph (2) and inserting ''September 30, 2027'', and

(iv) by striking ''July 1, 2023'' in paragraph (2) and inserting ''July 1, 2027'', and

(B) in subsection (c)(2), by striking ''July 1, 2023'' and inserting ''July 1, 2028''.

(2) SMALL-ENGINE FUEL TAX TRANSFERS.—Paragraph (4)(A) of section 9503(c) of such Code is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027''.

(f) TERMINATION OF MOTORBOAT FUEL TAX TRANSFERS.—

(1) IN GENERAL.—Paragraph (3)(A)(i) of section 9503(c) of such Code is amended by striking ''October 1, 2022'' and inserting ''October 1, 2021''.

(2) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(A) by striking ''October 1, 2023'' each place it appears and inserting ''October 1, 2022''; and

(B) by striking ''October 1, 2022'' and inserting ''October 1, 2021''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2021.

## TITLE IV—MISCELLANEOUS

**SEC. 401. NATIONAL ENVIRONMENTAL POLICY ACT MODIFICATIONS.**

(a) NATIONAL ENVIRONMENTAL POLICY ACT MODIFICATIONS.—

(1) APPLICABLE TIMELINES.—Title I of the National Environmental Policy Act of 1969 is amended—

(A) by redesignating section 105 (42 U.S.C. 4335) as section 108; and

(B) by inserting after section 104 (42 U.S.C. 4334) the following:

**''SEC. 105. PROCESS REQUIREMENTS.**

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' includes a State that has assumed the responsibility of a Federal agency under—

''(A) section 107; or

''(B) section 327 of title 23, United States Code.

''(2) HEAD OF A FEDERAL AGENCY.—The term 'head of a Federal agency' includes the governor or head of an applicable State agency of a State that has assumed the responsibility of a Federal agency under—

''(A) section 107; or

''(B) section 327 of title 23, United States Code.

''(b) APPLICABLE TIMELINES.—

''(1) NEPA PROCESS.—

''(A) IN GENERAL.—The head of a Federal agency shall complete the NEPA process for a proposed action of the Federal agency, as described in section 109(3)(B)(ii), not later than 2 years after the date described in section 109(3)(B)(i).

''(B) ENVIRONMENTAL DOCUMENTS.—Within the period described in subparagraph (A), not later than 1 year after the date described in section 109(3)(B)(i), the head of the Federal agency shall, with respect to the proposed action—

''(i) issue—

''(I) a finding that a categorical exclusion applies to the proposed action; or

''(II) a finding of no significant impact; or

''(ii) publish a notice of intent to prepare an environmental impact statement in the Federal Register.

''(C) ENVIRONMENTAL IMPACT STATEMENT.—If the head of a Federal agency publishes a notice of intent described in subparagraph (B)(ii), within the period described in subparagraph (A) and not later than 1 year after the date on which the head of the Federal agency publishes the notice of intent, the head of the Federal agency shall complete the environmental impact statement and, if necessary, any supplemental environmental impact statement for the proposed action.

''(D) PENALTIES.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(II) FEDERAL AGENCY.—The term 'Federal agency' does not include a State.

''(III) FINAL NEPA COMPLIANCE DATE.—The term 'final NEPA compliance date', with respect to a proposed action, means the date by which the head of a Federal agency is required to complete the NEPA process under subparagraph (A).

''(IV) HEAD OF A FEDERAL AGENCY.—The term 'head of a Federal agency' does not include the governor or head of a State agency of a State.

''(V) INITIAL EIS COMPLIANCE DATE.—The term 'initial EIS compliance date', with respect to a proposed action for which a Federal agency published a notice of intent described in subparagraph (B)(ii), means the date by which an environmental impact statement for that proposed action is required to be completed under subparagraph (C).

''(VI) INITIAL NEPA COMPLIANCE DATE.—The term 'initial NEPA compliance date', with respect to a proposed action, means the date by which the head of a Federal agency is required to issue or publish a document described in subparagraph (B) for that proposed action under that subparagraph.

''(VII) INITIAL NONCOMPLIANCE DETERMINATION.—The term 'initial noncompliance determination' means a determination under clause (ii)(I)(bb) that the head of a Federal agency has not complied with the requirements of subparagraph (A), (B), or (C).

''(ii) INITIAL NONCOMPLIANCE.—

''(I) DETERMINATION.—

''(aa) NOTIFICATION.—As soon as practicable after the date described in section 109(3)(B)(i) for a proposed action of a Federal agency, the head of the Federal agency shall notify the Director that the head of the Federal agency is beginning the NEPA process for that proposed action.

''(bb) DETERMINATIONS OF COMPLIANCE.—

''(AA) INITIAL DETERMINATION.—As soon as practicable after the initial NEPA compliance date for a proposed action, the Director shall determine whether, as of the initial NEPA compliance date, the head of the Federal agency has complied with subparagraph (B) for that proposed action.

''(BB) ENVIRONMENTAL IMPACT STATEMENT.—With respect to a proposed action of a Federal agency in which the head of the Federal agency publishes a notice of intent described in subparagraph (B)(ii), as soon as practicable after the initial EIS compliance date for a proposed action, the Director shall determine whether, as of the initial EIS compliance date, the head of the Federal agency has complied with subparagraph (C) for that proposed action.

''(CC) COMPLETION OF NEPA PROCESS.—As soon as practicable after the final NEPA compliance date for a proposed action, the Director shall determine whether, as of the final NEPA compliance date, the head of the Federal agency has complied with subparagraph (A) for that proposed action.

''(II) IDENTIFICATION; PENALTY; NOTIFICATION.—If the Director makes an initial noncompliance determination for a proposed action—

''(aa) the Director shall identify the account for the salaries and expenses of the office of the head of the Federal agency, or an equivalent account;

''(bb) beginning on the day after the date on which the Director makes the initial noncompliance determination, the amount that the head of the Federal agency may obligate from the account identified under item (aa) for the fiscal year during which the determination is made shall be reduced by 0.5 percent from the amount initially made available for the account for that fiscal year; and

''(cc) the Director shall notify the head of the Federal agency of—

''(AA) the initial noncompliance determination;

''(BB) the account identified under item (aa); and

''(CC) the reduction under item (bb).

''(iii) CONTINUED NONCOMPLIANCE.—

''(I) DETERMINATION.—Every 90 days after the date of an initial noncompliance determination, the Director shall determine whether the head of the Federal agency has complied with the applicable requirements of subparagraphs (A) through (C) for the proposed action, until the date on which the Director determines that the head of the Federal agency has completed the NEPA process for the proposed action.

''(II) PENALTY; NOTIFICATION.—For each determination made by the Director under subclause (I) that the head of a Federal agency

has not complied with a requirement of subparagraph (A), (B), or (C) for a proposed action—

''(aa) the amount that the head of the Federal agency may obligate from the account identified under clause (ii)(II)(aa) for the fiscal year during which the most recent determination under subclause (I) is made shall be reduced by 0.5 percent from the amount initially made available for the account for that fiscal year; and

''(bb) the Director shall notify the head of the Federal agency of—

''(AA) the determination under subclause (I); and

''(BB) the reduction under item (aa).

''(iv) REQUIREMENTS.—

''(I) AMOUNTS NOT RESTORED.—A reduction in the amount that the head of a Federal agency may obligate under clause (ii)(II)(bb) or (iii)(II)(aa) during a fiscal year shall not be restored for that fiscal year, without regard to whether the head of a Federal agency completes the NEPA process for the proposed action with respect to which the Director made an initial noncompliance determination or a determination under clause (iii)(I).

''(II) REQUIRED TIMELINES.—The violation of subparagraph (B) or (C), and any action carried out to remediate or otherwise address the violation, shall not affect any other applicable compliance date under subparagraph (A), (B), or (C).

''(E) UNEXPECTED CIRCUMSTANCES.—If, while carrying out a proposed action after the completion of the NEPA process for that proposed action, a Federal agency or project sponsor encounters a new or unexpected circumstance or condition that may require the reevaluation of the proposed action under this title, the head of the Federal agency with responsibility for carrying out the NEPA process for the proposed action shall—

''(i) consider whether mitigating the new or unexpected circumstance or condition is sufficient to avoid significant effects that may result from the circumstance or condition; and

''(ii) if the head of the Federal agency determines under clause (i) that the significant effects that result from the circumstance or condition can be avoided, mitigate the circumstance or condition without carrying out the NEPA process again.

''(2) AUTHORIZATIONS AND PERMITS.—

''(A) IN GENERAL.—Not later than 90 days after the date described in section 109(3)(B)(ii), the head of a Federal agency shall issue—

''(i) any necessary permit or authorization to carry out the proposed action; or

''(ii) a denial of the permit or authorization necessary to carry out the proposed action.

''(B) EFFECT OF FAILURE TO ISSUE AUTHORIZATION OR PERMIT.—If a permit or authorization described in subparagraph (A) is not issued or denied within the period described in that subparagraph, the permit or authorization shall be considered to be approved.

''(C) DENIAL OF PERMIT OR AUTHORIZATION.—

''(i) IN GENERAL.—If a permit or authorization described in subparagraph (A) is denied, the head of the Federal agency shall describe to the project sponsor—

''(I) the basis of the denial; and

''(II) recommendations for the project sponsor with respect to how to address the reasons for the denial.

''(ii) RECOMMENDED CHANGES.—If the project sponsor carries out the recommendations of the head of the Federal agency under clause (i)(II) and notifies the head of the Federal agency that the recommendations have been carried out, the head of the Federal agency—

''(I) shall decide whether to issue the permit or authorization described in subparagraph (A) not later than 90 days after date on which the project sponsor submitted the notification; and

''(II) shall not carry out the NEPA process with respect to the proposed action again.''.

(2) AGENCY PROCESS REFORMS.—Section 105 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (as added by paragraph (1)(B)) is amended by adding at the end the following:

''(c) PROHIBITIONS.—In carrying out the NEPA process, the head of a Federal agency may not—

''(1) consider whether a proposed action or an alternative to the proposed action considered by the head of the Federal agency, including the design, environmental impact, mitigation measures, or adaptation measures of the proposed action or alternative to the proposed action, has an effect on climate change;

''(2) with respect to a proposed action or an alternative to the proposed action considered by the head of the Federal agency, consider the effects of the emission of greenhouse gases on climate change;

''(3) consider an alternative to the proposed action if the proposed action is not technically or economically feasible to the project sponsor; or

''(4) consider an alternative to the proposed action that is not within the jurisdiction of the Federal agency.

''(d) ENVIRONMENTAL DOCUMENTS.—

''(1) EIS REQUIRED.—In carrying out the NEPA process for a proposed action that requires the preparation of an environmental impact statement, the head of a Federal agency shall produce for the proposed action not more than 1—

''(A) environmental impact statement;

''(B) if necessary, environmental assessment; and

''(C) record of decision.

''(2) EIS NOT REQUIRED.—In carrying out the NEPA process for a proposed action that does not require the preparation of an environmental impact statement, the head of a Federal agency shall produce for the proposed action not more than 1—

''(A) environmental assessment; or

''(B) finding of no significant impact.

''(e) CATEGORICAL EXCLUSIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (2), the head of a Federal agency may, without further approval, use a categorical exclusion under this title that has been approved by—

''(A)(i) another Federal agency; and

''(ii) the Council on Environmental Quality; or

''(B) an Act of Congress.

''(2) REQUIREMENTS.—The head of a Federal agency may use a categorical exclusion described in paragraph (1) if the head of the Federal agency—

''(A) carefully reviews the description of the proposed action to ensure that it fits within the category of actions described in the categorical exclusion; and

''(B) considers the circumstances associated with the proposed action to ensure that there are no extraordinary circumstances that warrant the preparation of an environmental assessment or an environmental impact statement.

''(3) EXTRAORDINARY CIRCUMSTANCES.—If the head of a Federal agency determines that extraordinary circumstances are present with respect to a proposed action, the head of the Federal agency shall—

''(A) consider whether mitigating circumstances or other conditions are sufficient to avoid significant effects of the proposed action; and

''(B) if the head of the Federal agency determines that those significant effects can be avoided, apply a categorical exclusion to the proposed action.

''(f) REUSE OF WORK; DOCUMENTS PREPARED BY QUALIFIED 3RD PARTIES.—

''(1) IN GENERAL.—In carrying out the NEPA process for a proposed action—

''(A) subject to paragraph (2), the head of a Federal agency shall—

''(i) use any applicable findings and research from a prior NEPA process of any Federal agency; and

''(ii) incorporate the findings and research described in clause (i) into any applicable analysis under the NEPA process; and

''(B) a Federal agency may adopt as an environmental impact statement, environmental assessment, or other environmental document to achieve compliance with this title—

''(i) an environmental document prepared under the law of the applicable State if the head of the Federal agency determines that the environmental laws of the applicable State—

''(I) provide the same level of environmental analysis as the analysis required under this title; and

''(II) allow for the opportunity of public comment; or

''(ii) subject to paragraph (3), an environmental document prepared by a qualified third party chosen by the project sponsor, at the expense of the project sponsor, if the head of the Federal agency—

''(I) provides oversight of the preparation of the environmental document by the third party; and

''(II) independently evaluates the environmental document for the compliance of the environmental document with this title.

''(2) REQUIREMENT FOR THE REUSE OF FINDINGS AND RESEARCH.—The head of a Federal agency may reuse the applicable findings and research described in paragraph (1)(A) if—

''(A)(i) the project for which the head of the Federal agency is seeking to reuse the findings and research was in close geographic proximity to the proposed action; and

''(ii) the head of the Federal agency determines that the conditions under which the applicable findings and research were issued have not substantially changed; or

''(B)(i) the project for which the head of the Federal agency is seeking to reuse the findings and research was not in close geographic proximity to the proposed action; and

''(ii) the head of the Federal agency determines that the proposed action has similar issues or decisions as the project.

''(3) REQUIREMENTS FOR CREATION OF ENVIRONMENTAL DOCUMENT BY QUALIFIED 3RD PARTIES.—

''(A) IN GENERAL.—A qualified third party may prepare an environmental document intended to be adopted by a Federal agency as the environmental impact statement, environmental assessment, or other environmental document for a proposed action under paragraph (1)(B)(ii) if—

''(i) the project sponsor submits a written request to the head of the applicable Federal agency that the head of the Federal agency approve the qualified third party to create the document intended to be adopted by a Federal agency as the environmental impact statement, environmental assessment, or other environmental document; and

''(ii) the head of the Federal agency determines that—

''(I) the third party is qualified to prepare the document; and

''(II) the third party has no financial or other interest in the outcome of the proposed action.

''(B) DEADLINE.—The head of a Federal agency that receives a written request under

subparagraph (A)(i) shall issue a written decision approving or denying the request not later than 30 days after the date on which the written request is received.

''(C) NO PRIOR WORK.—The head of a Federal agency may not adopt an environmental document under paragraph (1)(B)(ii) if the qualified third party began preparing the document prior to the date on which the head of the Federal agency issues the written decision under subparagraph (B) approving the request.

''(D) DENIALS.—If the head of a Federal agency issues a written decision denying the request under subparagraph (A)(i), the head of the Federal agency shall submit to the project sponsor with the written decision the findings that served as the basis of the denial.

''(g) MULTI-AGENCY PROJECTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) COOPERATING AGENCY.—The term 'cooperating agency' means a Federal agency involved in a proposed action that—

''(i) is not the lead agency; and

''(ii) has the jurisdiction or special expertise such that the Federal agency needs to be consulted—

''(I) to use a categorical exclusion; or

''(II) to prepare an environmental assessment or environmental impact statement, as applicable.

''(B) LEAD AGENCY.—The term 'lead agency' means the Federal agency selected under paragraph (2)(A).

''(2) AGENCY DESIGNATION.—

''(A) LEAD AGENCY.—In carrying out the NEPA process for a proposed action that requires authorization from multiple Federal agencies, the heads of the applicable Federal agencies shall determine the lead agency for the proposed action.

''(B) INVITATION.—The head of the lead agency may invite any relevant State, local, or Tribal agency with Federal authorization decision responsibility to be a cooperating agency.

''(3) RESPONSIBILITIES OF LEAD AGENCY.—The lead agency for a proposed action shall—

''(A) as soon as practicable and in consultation with the cooperating agencies, determine whether a proposed action requires the preparation of an environmental impact statement; and

''(B) if the head of the lead agency determines under subparagraph (A) that an environmental impact statement is necessary—

''(i) be responsible for coordinating the preparation of an environmental impact statement;

''(ii) provide cooperating agencies with an opportunity to review and contribute to the preparation of the environmental impact statement and environmental assessment, as applicable, of the proposed action, except that the cooperating agency shall limit comments to issues within the special expertise or jurisdiction of the cooperating agency; and

''(iii) subject to subsection (c), as soon as practicable and in consultation with the cooperating agencies, determine the range of alternatives to be considered for the proposed action.

''(4) ENVIRONMENTAL DOCUMENTS.—In carrying out the NEPA process for a proposed action, the lead agency shall prepare not more than 1 of each type of document described in paragraph (1) or (2) of subsection (d), as applicable—

''(A) in consultation with cooperating agencies; and

''(B) for all applicable Federal agencies.

''(5) PROHIBITIONS.—

''(A) IN GENERAL.—A cooperating agency may not evaluate an alternative to the proposed action that has not been determined to be within the range of alternatives considered under paragraph (3)(B)(iii).

''(B) OMISSION.—If a cooperating agency submits to the lead agency an evaluation of an alternative that does not meet the requirements of subsection (c), the lead agency shall omit the alternative from the environmental impact statement.

''(h) REPORTS.—

''(1) NEPA DATA.—

''(A) IN GENERAL.—The head of each Federal agency that carries out the NEPA process shall carry out a process to track, and annually submit to Congress a report containing, the information described in subparagraph (B).

''(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is, with respect to the Federal agency issuing the report under that subparagraph—

''(i) the number of proposed actions for which a categorical exclusion was issued during the reporting period;

''(ii) the length of time the Federal agency took to issue the categorical exclusions described in clause (i);

''(iii) the number of proposed actions pending on the date on which the report is submitted for which the issuance of a categorical exclusion is pending;

''(iv) the number of proposed actions for which an environmental assessment was issued during the reporting period;

''(v) the length of time the Federal agency took to complete each environmental assessment described in clause (iv);

''(vi) the number of proposed actions pending on the date on which the report is submitted for which an environmental assessment is being drafted;

''(vii) the number of proposed actions for which an environmental impact statement was issued during the reporting period;

''(viii) the length of time the Federal agency took to complete each environmental impact statement described in clause (vii); and

''(ix) the number of proposed actions pending on the date on which the report is submitted for which an environmental impact statement is being drafted.

''(2) NEPA COSTS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget shall jointly develop a methodology to assess the comprehensive costs of the NEPA process.

''(B) REQUIREMENTS.—The head of each Federal agency that carries out the NEPA process shall—

''(i) adopt the methodology developed under subparagraph (A); and

''(ii) use the methodology developed under subparagraph (A) to annually submit to Congress a report describing—

''(I) the comprehensive cost of the NEPA process for each proposed action that was carried out within the reporting period; and

''(II) for a proposed action for which the head of the Federal agency is still completing the NEPA process at the time the report is submitted—

''(aa) the amount of money expended to date to carry out the NEPA process for the proposed action; and

''(bb) an estimate of the remaining costs before the NEPA process for the proposed action is complete.''.

(3) LEGAL REFORMS.—Section 105 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (as amended by paragraph (2)) is amended by adding at the end the following:

''(i) JUDICIAL REVIEW.—

''(1) STANDING.—Notwithstanding any other provision of law, a plaintiff may only bring a claim arising under Federal law seeking judicial review of a portion of the NEPA process if the plaintiff pleads facts that allege that the plaintiff has personally suffered, or will likely personally suffer, a direct, tangible harm as a result of the portion of the NEPA process for which the plaintiff is seeking review.

''(2) STATUTE OF LIMITATIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B)(ii), a claim arising under Federal law seeking judicial review of any portion of the NEPA process shall be barred unless it is filed not later than the earlier of—

''(i) 150 days after the final agency action under the NEPA process has been taken; and

''(ii) if applicable, an earlier date after which judicial review is barred that is specified in the Federal law pursuant to which the judicial review is allowed.

''(B) NEW INFORMATION.—

''(i) CONSIDERATION.—A Federal agency shall consider for the purpose of a supplemental environmental impact statement new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under the regulations of the Federal agency.

''(ii) STATUTE OF LIMITATIONS BASED ON NEW INFORMATION.—If a supplemental environmental impact statement is required under the regulations of a Federal agency, a claim for judicial review of the supplemental environmental impact statement shall be barred unless it is filed not later than the earlier of—

''(I) 150 days after the publication of a notice in the Federal Register that the supplemental environmental impact statement is final; and

''(II) if applicable, an earlier date after which judicial review is barred that is specified in the Federal law pursuant to which the judicial review is allowed.

''(C) SAVINGS CLAUSE.—Nothing in this paragraph creates a right to judicial review.

''(3) REMEDIES.—

''(A) PRELIMINARY INJUNCTIONS AND TEMPORARY RESTRAINING ORDERS.—

''(i) IN GENERAL.—Subject to clause (ii), in a motion for a temporary restraining order or preliminary injunction against a Federal agency or project sponsor in a claim arising under Federal law seeking judicial review of any portion of the NEPA process, the plaintiff shall establish by clear and convincing evidence that—

''(I) the plaintiff is likely to succeed on the merits;

''(II) the plaintiff is likely to suffer irreparable harm in the absence of the temporary restraining order or preliminary injunction, as applicable;

''(III) the balance of equities is tipped in the favor of the plaintiff; and

''(IV) the temporary restraining order or preliminary injunction is in the public interest.

''(ii) ADDITIONAL REQUIREMENTS.—A court may not grant a motion described in clause (i) unless the court—

''(I) makes a finding of extraordinary circumstances that warrant the granting of the motion;

''(II) considers the potential effects on public health, safety, and the environment, and the potential for significant negative effects on jobs resulting from granting the motion; and

''(III) notwithstanding any other provision of law, applies the requirements of Rule 65(c) of the Federal Rules of Civil Procedure.

''(B) PERMANENT INJUNCTIONS.—

''(i) IN GENERAL.—Subject to clause (ii), in a motion for a permanent injunction against a Federal agency or project sponsor a claim

arising under Federal law seeking judicial review of any portion of the NEPA process, the plaintiff shall establish by clear and convincing evidence that—

''(I) the plaintiff has suffered an irreparable injury;

''(II) remedies available at law, including monetary damages, are inadequate to compensate for the injury;

''(III) considering the balance of hardship between the plaintiff and defendant, a remedy in equity is warranted;

''(IV) the public interest is not disserved by a permanent injunction; and

''(V) if the error or omission of a Federal agency in a statement required under this title is the grounds for which the plaintiff is seeking judicial review, the error or omission is likely to result in specific, irreparable damage to the environment.

''(ii) ADDITIONAL SHOWING.—A court may not grant a motion described in clause (i) unless—

''(I) the court makes a finding that extraordinary circumstances exist that warrant the granting of the motion; and

''(II) the permanent injunction is—

''(aa) as narrowly tailored as possible to correct the injury; and

''(bb) the least intrusive means necessary to correct the injury.''.

(4) OTHER REFORMS.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended by inserting after section 105 (as amended by paragraph (3)) the following:

**''SEC. 106. EPA REVIEW.**

''(a) DEFINITION OF FEDERAL AGENCY.—In this section, the term 'Federal agency' includes a State that has assumed the responsibility of a Federal agency under—

''(1) section 107; or

''(2) section 327 of title 23, United States Code.

''(b) EPA COMMENTS.—The Administrator of the Environmental Protection Agency (referred to in this section as the 'Administrator') may comment on a draft or final submission of an environmental impact statement from any Federal agency.

''(c) TECHNICAL ASSISTANCE.—The Administrator may, on request of a Federal agency preparing a draft or final environmental impact statement, provide technical assistance in the completion of that environmental impact statement.

**''SEC. 107. PROJECT DELIVERY PROGRAMS.**

''(a) DEFINITION OF AGENCY PROGRAM.—In this section, the term 'agency program' means a project delivery program established by a Federal agency under subsection (b)(1).

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The head of each Federal agency, including the Secretary of Transportation, shall carry out a project delivery program.

''(2) ASSUMPTION OF RESPONSIBILITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the head of each Federal agency shall, on request of a State, enter into a written agreement with the State, which may be in the form of a memorandum of understanding, in which the head of each Federal agency may assign, and the State may assume, the responsibilities of the head of the Federal agency under this title with respect to 1 or more projects within the State that are under the jurisdiction of the Federal agency.

''(B) EXCEPTION.—The head of a Federal agency shall not enter into a written agreement under subparagraph (A) if the head of the Federal agency determines that the State is not in compliance with the requirements described in subsection (c)(4).

''(C) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

''(i) the head of the Federal agency may assign to the State, and the State may assume, all or part of the responsibilities of the head of the Federal agency for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific project;

''(ii) at the request of the State, the head of the Federal agency may also assign to the State, and the State may assume, the responsibilities of the head of the Federal agency under this title with respect to 1 or more projects within the State that are under the jurisdiction of the Federal agency; but

''(iii) the head of the Federal agency may not assign responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506).

''(D) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Federal agency.

''(E) FEDERAL RESPONSIBILITY.—Any responsibility of a Federal agency not explicitly assumed by the State by written agreement under subparagraph (A) shall remain the responsibility of the Federal agency.

''(F) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than the Federal agency for which the written agreement applies, under applicable law (including regulations) with respect to a project.

''(G) PRESERVATION OF FLEXIBILITY.—The head of the Federal agency may not require a State, as a condition of participation in the agency program of the Federal agency, to forego project delivery methods that are otherwise permissible for projects under applicable law.

''(H) LEGAL FEES.—A State assuming the responsibilities of a Federal agency under this section for a specific project may use funds awarded to the State for that project for attorneys' fees directly attributable to eligible activities associated with the project.

''(c) STATE PARTICIPATION.—

''(1) PARTICIPATING STATES.—Except as provided in subsection (b)(2)(B), all States are eligible to participate in an agency program.

''(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the head of each Federal agency shall amend, as appropriate, regulations that establish requirements relating to information required to be contained in any application of a State to participate in the agency program, including, at a minimum—

''(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the agency program;

''(B) verification of the financial resources necessary to carry out the authority that may be granted under the agency program; and

''(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the agency program, including copies of comments received from that solicitation.

''(3) PUBLIC NOTICE.—

''(A) IN GENERAL.—Each State that submits an application under this subsection shall give notice of the intent of the State to participate in an agency program not later than 30 days before the date of submission of the application.

''(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice law of the State.

''(4) SELECTION CRITERIA.—The head of a Federal agency may approve the application of a State under this section only if—

''(A) the regulatory requirements under paragraph (2) have been met;

''(B) the head of the Federal agency determines that the State has the capability, including financial and personnel, to assume the responsibility; and

''(C) the head of the State agency having primary jurisdiction over the project enters into a written agreement with the head of the Federal agency as described in subsection (d).

''(5) OTHER FEDERAL AGENCY VIEWS.—If a State applies to assume a responsibility of the Federal agency that would have required the head of the Federal agency to consult with the head of another Federal agency, the head of the Federal agency shall solicit the views of the head of the other Federal agency before approving the application.

''(d) WRITTEN AGREEMENT.—A written agreement under subsection (b)(2)(A) shall—

''(1) be executed by the Governor or the top-ranking official in the State who is charged with responsibility for the project;

''(2) be in such form as the head of the Federal agency may prescribe;

''(3) provide that the State—

''(A) agrees to assume all or part of the responsibilities of the Federal agency described in subparagraphs (A) and (C) of subsection (b)(2);

''(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Federal agency assumed by the State;

''(C) certifies that State laws (including regulations) are in effect that—

''(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

''(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

''(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

''(4) require the State to provide to the head of the Federal agency any information the head of the Federal agency reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

''(5) have a term of not more than 5 years; and

''(6) be renewable.

''(e) JURISDICTION.—

''(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State for failure to carry out any responsibility of the State under this section.

''(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the head of a Federal agency had the head of the Federal agency taken the actions in question.

''(3) INTERVENTION.—The head of a Federal agency shall have the right to intervene in any action described in paragraph (1).

''(f) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State that assumes responsibility under subsection (b)(2) shall be solely responsible and solely liable for carrying out, in lieu of and without further approval of the

head of the Federal agency, the responsibilities assumed under subsection (b)(2), until the agency program is terminated under subsection (k).

''(g) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the head of a Federal agency under any Federal law.

''(h) AUDITS.—

''(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (d) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (b)(2)), for each State participating in an agency program, the head of a Federal agency shall—

''(A) not later than 180 days after the date of execution of the agreement, meet with the State to review implementation of the agreement and discuss plans for the first annual audit;

''(B) conduct annual audits during each of the first 4 years of State participation; and

''(C) ensure that the time period for completing an annual audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.

''(2) PUBLIC AVAILABILITY AND COMMENT.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

''(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the head of the Federal agency shall respond to public comments received under subparagraph (A).

''(3) AUDIT TEAM.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the head of the Federal agency, in consultation with the State, in accordance with subparagraph (B).

''(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review and provide comments on the proposed members of the audit team.

''(i) MONITORING.—After the fourth year of the participation of a State in an agency program, the head of the Federal agency shall monitor compliance by the State with the written agreement, including the provision by the State of financial resources to carry out the written agreement.

''(j) REPORT TO CONGRESS.—The head of each Federal agency shall submit to Congress an annual report that describes the administration of the agency program.

''(k) TERMINATION.—

''(1) TERMINATION BY FEDERAL AGENCY.—The head of a Federal agency may terminate the participation of any State in the agency program of the Federal agency if—

''(A) the head of the Federal agency determines that the State is not adequately carrying out the responsibilities assigned to the State;

''(B) the head of the Federal agency provides to the State—

''(i) a notification of the determination of noncompliance;

''(ii) a period of not less than 120 days to take such corrective action as the head of the Federal agency determines to be necessary to comply with the applicable agreement; and

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the head of the Federal agency.

''(2) TERMINATION BY THE STATE.—A State may terminate the participation of the State in an agency program at any time by providing to the head of the applicable Federal agency a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the head of the Federal agency may provide.

''(l) CAPACITY BUILDING.—The head of a Federal agency, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

''(1) to assist States in developing the capacity to participate in the agency program of the Federal agency; and

''(2) to promote information sharing and collaboration among States that are participating in the agency program of the Federal agency.

''(m) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—A State granted authority under an agency program may, as appropriate and at the request of a local government—

''(1) exercise that authority on behalf of the local government for a locally administered project; or

''(2) provide guidance and training on consolidating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered project to comply with this title and any comparable requirements under State law.''.

(5) PROHIBITION ON GUIDANCE.—No Federal agency, including the Council on Environmental Quality, may reissue the final guidance of the Council on Environmental Quality entitled ''Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews'' (81 Fed. Reg. 51866 (August 5, 2016)) or substantially similar guidance unless authorized by an Act of Congress.

(6) DEFINITIONS.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) (as amended by paragraph (1)(A)) is amended by adding at the end the following:

**''SEC. 109. DEFINITIONS.**

''In this title:

''(1) ENVIRONMENTAL ASSESSMENT.—The term 'environmental assessment' has the meaning given the term in section 1508.9 of title 40, Code of Federal Regulations (or a successor regulation).

''(2) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed statement required under section 102(2)(C).

''(3) NEPA PROCESS.—

''(A) IN GENERAL.—The term 'NEPA process' means the entirety of every process, analysis, or other measure, including an environmental impact statement, required to be carried out by a Federal agency under this title before the agency undertakes a proposed action.

''(B) PERIOD.—For purposes of subparagraph (A), the NEPA process—

''(i) begins on the date on which the head of a Federal agency receives an application for a proposed action from a project sponsor; and

''(ii) ends on the date on which the Federal agency issues, with respect to the proposed action—

''(I) a record of decision, including, if necessary, a revised record of decision;

''(II) a finding of no significant impact; or

''(III) a categorical exclusion under this title.

''(4) PROJECT SPONSOR.—The term 'project sponsor' means a Federal agency or other entity, including a private or public-private entity, that seeks approval of a proposed action.''.

(7) CONFORMING AMENDMENTS.—

(A) POLICY REVIEW.—Section 309 of the Clean Air Act (42 U.S.C. 7609) is repealed.

(B) SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.—Section 327 of title 23, United States Code, is amended—

(i) in subsection (a)(1), by striking ''The Secretary'' and inserting ''Subject to subsection (m), the Secretary''; and

(ii) by adding at the end the following:

''(m) SUNSET.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the authority provided by this section terminates on the date of enactment of this subsection.

''(2) EXISTING AGREEMENTS.—Subject to the requirements of this section, the Secretary may continue to enforce any agreement entered into under this section before the date of enactment of this subsection.''.

(b) ATTORNEY FEES IN ENVIRONMENTAL LITIGATION.—

(1) ADMINISTRATIVE PROCEDURE.—Section 504(b)(1) of title 5, United States Code, is amended—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(G) 'special factor' does not include knowledge, expertise, or skill in environmental litigation.''.

(2) UNITED STATES AS PARTY.—Section 2412(d)(2) of title 28, United States Code, is amended—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(J) 'special factor' does not include knowledge, expertise, or skill in environmental litigation.''.

**SEC. 402. REPEAL OF DAVIS-BACON WAGE REQUIREMENTS.**

(a) IN GENERAL.—Subchapter IV of chapter 31 of title 40, United States Code, is repealed.

(b) REFERENCES.—Any reference in any law to a requirement under subchapter IV of chapter 31 of title 40, United States Code, shall be null and void.

(c) EFFECTIVE DATE AND LIMITATION.—This section, and the amendment made by this section, shall take effect 30 days after the date of enactment of this Act but shall not affect any contract that is—

(1) in existence on the date that is 30 days after such date of enactment; or

(2) made pursuant to an invitation for bids outstanding on the date that is 30 days after such date of enactment.

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**SA 2256.** Mr. LEE (for himself, Mr. JOHNSON, Ms. ERNST, Mr. CORNYN, Mr. CRUZ, Mr. INHOFE, and Mr. PAUL) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. REPEAL OF DAVIS-BACON WAGE REQUIREMENTS.**

(a) IN GENERAL.—Subchapter IV of chapter 31 of title 40, United States Code, is repealed.

(b) REFERENCES.—Any reference in any law to a requirement under subchapter IV of chapter 31 of title 40, United States Code, shall be null and void.

(c) EFFECTIVE DATE AND LIMITATION.—This section, and the amendment made by this section, shall take effect 30 days after the date of enactment of this Act but shall not affect any contract that is—

(1) in existence on the date that is 30 days after such date of enactment; or

(2) made pursuant to an invitation for bids outstanding on the date that is 30 days after such date of enactment.

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**SA 2257.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**DIVISION ____—CATEGORICAL EXCLUSIONS RELATING TO EMERGING TECHNOLOGIES**

**SEC. ___. ANNUAL REPORT ON NEW CATEGORICAL EXCLUSIONS RELATING TO EMERGING TECHNOLOGIES.**

The head of each Federal agency shall submit to Congress an annual report on any future category of actions or issues that would support the adoption or deployment of emerging technologies, as determined by the head of a Federal agency, that have not been addressed in any environmental assessment (as defined in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation)) conducted by that Federal agency but that could meet the criteria for consideration as a categorical exclusion from the requirements of title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

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**SA 2258.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. FEDERAL SPECTRUM AUDIT.**

(a) DEFINITIONS.—In this section—

(1) the term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information; and

(2) the term ''Federal entity'' has the meaning given the term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(b) AUDIT AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Assistant Secretary, in consultation with the head of each Federal entity, shall—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to each Federal entity as of the date of the audit; and

(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).

(c) CONTENTS OF REPORT.—The Assistant Secretary shall include in the report submitted under subsection (b)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to a Federal entity as of the date of the audit—

(1) each particular band of spectrum being used by the Federal entity;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the State or other geographic area in which a particular band described in paragraph (1) is assigned or allocated for use;

(4) whether a particular band described in paragraph (1) is used exclusively by the Federal entity or shared with another Federal entity or a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Federal entity.

(d) FORM OF REPORT.—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

(e) RELATION TO DEPARTMENT OF TRANSPORTATION SPECTRUM AUDIT.—The Assistant Secretary shall coordinate the implementation of this section with the implementation of section 27003 (relating to an audit of Department of Transportation spectrum).

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**SA 2259.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. REGULATION OF DRIVERS OF PROPERTY-CARRYING COMMERCIAL MOTOR VEHICLES.**

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means the Secretary of Transportation, acting through the Administrator of the Federal Motor Carrier Safety Administration.

(b) HOURS OF SERVICE.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, shall revise section 395.3 of title 49, Code of Federal Regulations—

(A) to increase the maximum driving time for a driver of a property-carrying commercial motor vehicle from 11 hours to 12 hours;

(B) to establish a maximum on-duty time of 14 hours during any 24-hour period (as defined in section 395.2 of that title (or a successor regulation)) for a driver of a property-carrying commercial motor vehicle;

(C) to provide that the on-duty time of a driver of a property-carrying commercial motor vehicle may not begin unless—

(i)(I) the driver has first taken 10 consecutive hours off duty; and

(II) during the period of on-duty time, the driver complies with all applicable requirements of section 395.3 of that title, including the requirement described in subsection (a)(3)(ii) of that section (or a successor regulation); or

(ii) at the election of the driver—

(I) the driver has taken 8 consecutive hours off duty;

(II) during the period of on-duty time, the driver complies with all applicable requirements of section 395.3 of that title, including the requirement described in subsection (a)(3)(ii) of that section (or a successor regulation); and

(III) the driver—

(aa) takes 2 rest breaks of 30 minutes each, which may be taken separately or consecutively, at the election of the driver, during the period of on-duty time if the driving time of the driver during that period of on-duty time is not more than 8 hours;

(bb) takes 3 rest breaks of 30 minutes each, which, subject to the requirement described in section 395.3(a)(3)(ii) of that title (or a successor regulation), may be taken separately or consecutively, at the election of the driver, during the period of on-duty time if the driving time of the driver during that period of on-duty time is more than 8, but not more than 10, hours; or

(cc) takes 4 rest breaks of 30 minutes each, which, subject to the requirement described in section 395.3(a)(3)(ii) of that title (or a successor regulation), may be taken separately or consecutively, at the election of the driver, during the period of on-duty time if the driving time of the driver during that period of on-duty time is more than 10, but not more than 12, hours;

(D) to provide that any rest break taken by a driver shall be considered to be off-duty time excluded from the calculation of on-duty time;

(E) to provide that the driving time of a driver of a property-carrying commercial motor vehicle begins when the driver is 150 air miles from the starting location of the trip; and

(F) to provide that, if, at the time that the driver of a property-carrying commercial motor vehicle reaches 14 hours of on-duty time or 12 hours of driving time, the driver is within 150 air miles of the destination of the trip, as established at the outset of the trip—

(i) the driver may continue driving until that destination is reached;

(ii) the driving time of the driver shall exclude all time—

(I) during the period beginning when the driver reaches 12 hours of driving time and ending on completion of the trip; and

(II) that is necessary to reach, or otherwise complete the trip at, that destination; and

(iii) the on-duty time of the driver shall exclude all time—

(I) during the period beginning when the driver reaches 14 hours of on-duty time and ending on completion of the trip; and

(II) during which the driver carries out an activity necessary to reach, or otherwise complete the trip at, that destination, including any time described in paragraph (3) or (5) of the definition of the term ''on-duty time'' in section 395.2 of that title (or a successor regulation).

(2) REQUIREMENT.—In carrying out paragraph (1), the Secretary shall not modify the limits described in section 395.3(b) of title 49, Code of Federal Regulations.

(c) COMMERCIAL DRIVER'S LICENSES.—Not later than 90 days after the date of enactment of this Act, the Secretary shall revise section 391.11 of title 49, Code of Federal Regulations, to lower the minimum age for obtaining a commercial driver's license from 21 to 18 years of age.

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**SA 2260.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER,

and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) FLIGHT SHARING FREEDOM.—Section 40102(a) of title 49, United States Code, is amended by adding at the end the following:

''(48) 'common carrier' means a service provided by a person that meets the following elements:

''(A) holding out of a willingness to;

''(B) transport persons or property;

''(C) from place to place;

''(D) for compensation; and

''(E) without refusal unless authorized by law.

In applying subparagraph (D), the term 'compensation' requires the intent to pursue monetary profit but does not include flights in which the pilot and passengers share aircraft operating expenses or the pilot receives any benefit.''.

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary of Transportation shall issue or revise regulations to comply with this section and to ensure that a person who holds a pilot certificate may communicate with the public, in any manner the person determines appropriate, to facilitate an aircraft flight for which the pilot and passengers share aircraft operating expenses in accordance with section 61.113(c) of title 14, Code of Federal Regulations (or any successor regulation) and that such flight-sharing operations under section 61.113(c) of title 14, Code of Federal Regulations (or any successor regulation) shall not be deemed a common carrier, as defined in paragraph (48) of section 40102(a) of title 49, United States Code, or a commercial operation requiring a certificate under part 119 or 135 of title 14, Code of Federal Regulations (or any successor regulation).

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**SA 2261.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) AVIATION EMPOWERMENT.—Section 40102(a) of title 49, United States Code, is amended by adding at the end the following:

''(48) 'common carrier' means a service provided by a person that meets the following elements:

''(A) holding out of a willingness to;

''(B) transport persons or property;

''(C) from place to place;

''(D) for compensation; and

''(E) without refusal unless authorized by law.

In applying subparagraph (D), the term 'compensation' requires the intent to pursue monetary profit but does not include flights in which the pilot and passengers share aircraft operating expenses or the pilot receives any benefit.

''(49) 'personal operator' means a person providing air transportation of persons or property for compensation or hire in aircraft that have eight or fewer seats, provided that the person holds a private pilot certificate pursuant to subpart E of section 61 of title 14, Code of Federal Regulations (or any successor regulation). A personal operator or a flight operated by a personal operator does not constitute a common carrier, as defined in paragraph (48), a commercial operation requiring a certificate under part 119 or 135 of title 14, Code of Federal Regulations (or any successor regulation), or a commercial operator, as defined in section 1.1 of title 14, Code of Federal Regulations (or any successor regulation).''.

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary of Transportation shall issue or revise regulations to comply with this section and to ensure the following:

(1) That a person who holds a pilot certificate may communicate with the public, in any manner the person determines appropriate, to facilitate an aircraft flight for which the pilot and passengers share aircraft operating expenses in accordance with section 61.113(c) of title 14, Code of Federal Regulations (or any successor regulation) and that such flight-sharing operations under section 61.113(c) of title 14, Code of Federal Regulations (or any successor regulation) shall not be deemed a common carrier, as defined in paragraph (48) of section 40102(a) of title 49, United States Code, or a commercial operation requiring a certificate under part 119 or 135 of title 14, Code of Federal Regulations (or any successor regulation).

(2) That a personal operator, as defined in paragraph (49) of section 40102(a) of title 49, United States Code, operating under part 91 of title 14 Code of Federal Regulations (or any successor regulation) shall not be subject to the requirements set forth in part 121, 125, or 135 of title 14, Code of Federal Regulations (or any successor regulation).

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**SA 2262.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

**SEC. ___. RULEMAKING TO CREATE A NEW CLASS OF VEHICLE.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, shall initiate a rulemaking addressing the creation of a new class of vehicle that—

(1) is not designed, intended, or marketed for human occupancy; and

(2) is subject to requirements and safety standards that are—

(A) technologically and economically feasible for manufacturers and consumers; and

(B) essential for the new class of vehicle to operate safely in the United States, as certified by the Secretary.

(b) COST-BENEFIT ANALYSIS.—The Secretary, in carrying out the rulemaking initiated under subsection (a), shall conduct a cost-benefit analysis to ensure that the safety benefits of the requirements and standards for the new class of vehicle described in paragraph (2) of that subsection substantially outweigh the cost to manufacturers and consumers of achieving compliance with those requirements and standards.

(c) FINAL RULE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall promulgate a final rule to complete the rulemaking initiated under subsection (a).

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**SA 2263.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. REDUCING REGULATION AND CONTROLLING REGULATORY COSTS.**

(a) FINDINGS.—Congress finds the following:

(1) It is the policy of the Federal Government to be prudent and financially responsible in the expenditure of funds, from both public and private sources.

(2) In addition to the management of the direct expenditure of taxpayer dollars through the budgeting process, it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations.

(3) Toward that end, it is important that for each new regulation issued, not fewer than 2 prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(3) EXECUTIVE ORDER 12866.—The term ''Executive Order 12866'' means Executive Order 12866 (58 Fed. Reg. 51735; relating to regulatory planning and review), as amended, or any successor order.

(4) RULE.—The term ''rule''—

(A) has the meaning given the term in section 551 of title 5, United States Code; and

(B) does not include—

(i) any rule made with respect to a military, national security, or foreign affairs function of the United States;

(ii) any rule related to agency organization, management, or personnel; or

(iii) any other category of rule exempted by the Director.

(c) REGULATORY CAP.—

(1) IN GENERAL.—If an agency publicly proposes for notice and comment or otherwise promulgates a new rule, the agency shall identify not fewer than 2 existing rules to be repealed.

(2) INCREMENTAL COST.—For each fiscal year, the head of an agency shall ensure that the total incremental cost of all new rules, including repealed rules, to be finalized that fiscal year is not greater than zero, except as provided by the Director in specifying the total incremental cost allowance for the agency under subsection (d)(4)(A).

(3) OFFSET OF NEW INCREMENTAL COSTS.—

(A) IN GENERAL.—In furtherance of the requirement under paragraph (1), an agency shall offset any new incremental costs associated with a new rule by the elimination of

existing costs associated with not fewer than 2 prior rules.

(B) PROCEDURES.—An agency shall eliminate existing costs associated with prior rules under subparagraph (A) in accordance with subchapter II of chapter 5 of title 5, United States Code, and any other applicable law.

(4) GUIDANCE.—

(A) IN GENERAL.—The Director shall provide the heads of agencies with guidance on the implementation of this subsection.

(B) CONTENTS.—The topics addressed by the guidance provided under subparagraph (A) shall include—

(i) processes for standardizing the measurement and estimation of regulatory costs;

(ii) standards for determining what qualifies as new and offsetting rules;

(iii) standards for determining the costs of existing rules that are considered for elimination;

(iv) processes for accounting for costs in different fiscal years;

(v) methods to oversee the issuance of rules with costs offset by savings at different times or different agencies; and

(vi) emergencies and other circumstances that might justify individual waivers of the requirements of this subsection.

(C) DISCRETION OF DIRECTOR.—The Director shall consider phasing in and updating the guidance provided under subparagraph (A).

(d) ANNUAL REGULATORY COST SUBMISSIONS TO OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—Beginning with the Regulatory Plans required under Executive Order 12866 for fiscal year 2022, and for each fiscal year thereafter, the head of an agency shall—

(A) identify, for each rule that increases incremental cost, the offsetting rules described in subsection (c)(3); and

(B) provide the agency's best approximation of the total costs or savings associated with each new rule or repealed rule.

(2) INCLUSION IN THE UNIFIED REGULATORY AGENDA.—Each rule approved by the Director during the process by which the President establishes a budget under section 1105 of title 31, United States Code, shall be included in the Unified Regulatory Agenda required under Executive Order 12866.

(3) LIMITATION ON ISSUANCE.—An agency may not issue a rule if the rule was not included on the most recent version or update of the published Unified Regulatory Agenda as required under Executive Order 12866, unless the issuance of the rule was approved in advance in writing by the Director.

(4) TOTAL INCREMENTAL COST.—

(A) DETERMINATION BY OMB.—During the process by which the President establishes a budget under section 1105 of title 31, United States Code, the Director shall identify to agencies a total amount of incremental costs that will be allowed for each agency in issuing new rules and repealing rules for the next fiscal year.

(B) PROHIBITION.—An agency may not issue a rule during a fiscal year that causes the agency to exceed the total incremental cost allowance of the agency for that fiscal year under subparagraph (A) unless approved in writing by the Director.

(C) TOTAL REGULATORY COST.—The total incremental cost allowance of an agency for a fiscal year may allow an increase or require a reduction in total regulatory cost for that fiscal year.

(5) GUIDANCE.—The Director shall provide the heads of agencies with guidance on the implementation of the requirements under this subsection.

(e) GENERAL PROVISIONS.—

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect—

(A) the authority granted by law to an agency, or the head thereof; or

(B) the functions of the Director relating to budgetary, administrative, or legislative proposals.

(2) NO SUBSTANTIVE RIGHT CONFERRED.—This section does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

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**SA 2264.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

**SEC. _____. ESTIMATE OF VALUE OF ELECTROMAGNETIC SPECTRUM.**

(a) IN GENERAL.—Part A of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended—

(1) by redesignating section 105 (47 U.S.C. 904) as section 106; and

(2) by inserting after section 104 (47 U.S.C. 903) the following:

**"SEC. 105. ESTIMATE OF VALUE OF ELECTROMAGNETIC SPECTRUM.**

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered band' means the band of frequencies between 3 kilohertz and 95 gigahertz;

''(2) the term 'Federal entity' has the meaning given the term in section 113(l); and

''(3) the term 'OMB' means the Office of Management and Budget.

''(b) ESTIMATES REQUIRED.—The NTIA, in consultation with the Commission and OMB, shall estimate the value of electromagnetic spectrum in the covered band that is assigned or otherwise allocated to each Federal entity as of the date of the estimate, in accordance with the schedule under subsection (c).

''(c) SCHEDULE.—The NTIA shall conduct the estimates under subsection (b) for the frequencies between—

''(1) 3 kilohertz and 33 gigahertz not later than 1 year after the date of enactment of this section, and every 3 years thereafter;

''(2) 33 gigahertz and 66 gigahertz not later than 2 years after the date of enactment of this section, and every 3 years thereafter; and

''(3) 66 gigahertz and 95 gigahertz not later than 3 years after the date of enactment of this section, and every 3 years thereafter.

''(d) BASIS FOR ESTIMATE.—

''(1) IN GENERAL.—The NTIA shall base each value estimate under subsection (b) on the value that the electromagnetic spectrum would have if the spectrum were reallocated for the use with the highest potential value of licensed or unlicensed commercial wireless services that do not have access to that spectrum as of the date of the estimate.

''(2) CONSIDERATION OF GOVERNMENT CAPABILITIES.—In estimating the value of spectrum under subsection (b), the NTIA may consider the spectrum needs of commercial interests while preserving the spectrum access necessary to satisfy mission requirements and operations of Federal entities.

''(3) DYNAMIC SCORING.—To the greatest extent practicable, the NTIA shall incorporate dynamic scoring methodology into the value estimate under subsection (b).

''(4) DISCLOSURE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the NTIA shall publicly disclose how the NTIA arrived at each value estimate under subsection (b), including any findings made under paragraph (2) of this subsection.

''(B) CLASSIFIED, LAW ENFORCEMENT-SENSITIVE, AND PROPRIETARY INFORMATION.—If any information involved in a value estimate under subsection (b), including any finding made under paragraph (2) of this subsection, is classified, law enforcement-sensitive, or proprietary, the NTIA—

''(i) may not publicly disclose the classified, law enforcement-sensitive, or proprietary information; and

''(ii) shall make the classified, law enforcement-sensitive, or proprietary information available to any Member of Congress, upon request, in a classified annex.

''(e) AGENCY REPORT ON VALUE OF ELECTROMAGNETIC SPECTRUM.—A Federal entity that has been assigned or otherwise allocated use of electromagnetic spectrum within the covered band shall report the value of the spectrum as most recently estimated under subsection (b)—

''(1) in the budget of the Federal entity to be included in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code; and

''(2) in the annual financial statement of the Federal entity required to be filed under section 3515 of title 31, United States Code.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 103(b) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(b)) is amended—

(1) in paragraph (1), by striking ''section 105(d)'' and inserting ''section 106(d)''; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking ''section 105(d)'' and inserting ''section 106(d)''.

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**SA 2265.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. DEPARTMENT OF DEFENSE SPECTRUM AUDIT.**

(a) AUDIT AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Defense, shall—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to the Department of Defense as of the date of the audit; and

(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).

(b) CONTENTS OF REPORT.—The Assistant Secretary of Commerce for Communications and Information shall include in the report submitted under subsection (a)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to the Department of Defense as of the date of the audit—

(1) each particular band of spectrum being used by the Department of Defense;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the State or other geographic area in which a particular band described in paragraph (1) is assigned or allocated for use;

(4) whether a particular band described in paragraph (1) is used exclusively by the Department of Defense or shared with another Federal entity or a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Department of Defense.

(c) FORM OF REPORT.—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

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**SA 2266.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 11513 and insert the following:

**SEC. 11513. REPEAL OF BUY AMERICA REQUIREMENTS.**

(a) IN GENERAL.—Section 313 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 313.

(2) Section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (23 U.S.C. 313 note; Public Law 110–244) is repealed.

(3) The table of contents in section 1(b) of the SAFETEA–LU Technical Corrections Act of 2008 (Public Law 110–244; 122 Stat. 1572) is amended by striking the item relating to section 117.

(4) Section 122 of title I of division L of the Consolidated Appropriations Act, 2021 (23 U.S.C. 313 note; Public Law 116–260) is repealed.

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**SA 2267.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION ____—NATIONAL ENVIRONMENTAL POLICY ACT MODIFICATIONS**

**SEC. _____. NATIONAL ENVIRONMENTAL POLICY ACT MODIFICATIONS.**

(a) NATIONAL ENVIRONMENTAL POLICY ACT MODIFICATIONS.—

(1) APPLICABLE TIMELINES.—Title I of the National Environmental Policy Act of 1969 is amended—

(A) by redesignating section 105 (42 U.S.C. 4335) as section 108; and

(B) by inserting after section 104 (42 U.S.C. 4334) the following:

**"SEC. 105. PROCESS REQUIREMENTS.**

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' includes a State that has assumed the responsibility of a Federal agency under—

''(A) section 107; or

''(B) section 327 of title 23, United States Code.

''(2) HEAD OF A FEDERAL AGENCY.—The term 'head of a Federal agency' includes the governor or head of an applicable State agency of a State that has assumed the responsibility of a Federal agency under—

''(A) section 107; or

''(B) section 327 of title 23, United States Code.

''(b) APPLICABLE TIMELINES.—

''(1) NEPA PROCESS.—

''(A) IN GENERAL.—The head of a Federal agency shall complete the NEPA process for a proposed action of the Federal agency, as described in section 109(3)(B)(ii), not later than 2 years after the date described in section 109(3)(B)(i).

''(B) ENVIRONMENTAL DOCUMENTS.—Within the period described in subparagraph (A), not later than 1 year after the date described in section 109(3)(B)(i), the head of the Federal agency shall, with respect to the proposed action—

''(i) issue—

''(I) a finding that a categorical exclusion applies to the proposed action; or

''(II) a finding of no significant impact; or

''(ii) publish a notice of intent to prepare an environmental impact statement in the Federal Register.

''(C) ENVIRONMENTAL IMPACT STATEMENT.—If the head of a Federal agency publishes a notice of intent described in subparagraph (B)(ii), within the period described in subparagraph (A) and not later than 1 year after the date on which the head of the Federal agency publishes the notice of intent, the head of the Federal agency shall complete the environmental impact statement and, if necessary, any supplemental environmental impact statement for the proposed action.

''(D) PENALTIES.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(II) FEDERAL AGENCY.—The term 'Federal agency' does not include a State.

''(III) FINAL NEPA COMPLIANCE DATE.—The term 'final NEPA compliance date', with respect to a proposed action, means the date by which the head of a Federal agency is required to complete the NEPA process under subparagraph (A).

''(IV) HEAD OF A FEDERAL AGENCY.—The term 'head of a Federal agency' does not include the governor or head of a State agency of a State.

''(V) INITIAL EIS COMPLIANCE DATE.—The term 'initial EIS compliance date', with respect to a proposed action for which a Federal agency published a notice of intent described in subparagraph (B)(ii), means the date by which an environmental impact statement for that proposed action is required to be completed under subparagraph (C).

''(VI) INITIAL NEPA COMPLIANCE DATE.—The term 'initial NEPA compliance date', with respect to a proposed action, means the date by which the head of a Federal agency is required to issue or publish a document described in subparagraph (B) for that proposed action under that subparagraph.

''(VII) INITIAL NONCOMPLIANCE DETERMINATION.—The term 'initial noncompliance determination' means a determination under clause (ii)(I)(bb) that the head of a Federal agency has not complied with the requirements of subparagraph (A), (B), or (C).

''(ii) INITIAL NONCOMPLIANCE.—

''(I) DETERMINATION.—

''(aa) NOTIFICATION.—As soon as practicable after the date described in section 109(3)(B)(i) for a proposed action of a Federal agency, the head of the Federal agency shall notify the Director that the head of the Federal agency is beginning the NEPA process for that proposed action.

''(bb) DETERMINATIONS OF COMPLIANCE.—

''(AA) INITIAL DETERMINATION.—As soon as practicable after the initial NEPA compliance date for a proposed action, the Director shall determine whether, as of the initial NEPA compliance date, the head of the Federal agency has complied with subparagraph (B) for that proposed action.

''(BB) ENVIRONMENTAL IMPACT STATEMENT.—With respect to a proposed action of a Federal agency in which the head of the Federal agency publishes a notice of intent described in subparagraph (B)(ii), as soon as practicable after the initial EIS compliance date for a proposed action, the Director shall determine whether, as of the initial EIS compliance date, the head of the Federal agency has complied with subparagraph (C) for that proposed action.

''(CC) COMPLETION OF NEPA PROCESS.—As soon as practicable after the final NEPA compliance date for a proposed action, the Director shall determine whether, as of the final NEPA compliance date, the head of the Federal agency has complied with subparagraph (A) for that proposed action.

''(II) IDENTIFICATION; PENALTY; NOTIFICATION.—If the Director makes an initial noncompliance determination for a proposed action—

''(aa) the Director shall identify the account for the salaries and expenses of the office of the head of the Federal agency, or an equivalent account;

''(bb) beginning on the day after the date on which the Director makes the initial noncompliance determination, the amount that the head of the Federal agency may obligate from the account identified under item (aa) for the fiscal year during which the determination is made shall be reduced by 0.5 percent from the amount initially made available for the account for that fiscal year; and

''(cc) the Director shall notify the head of the Federal agency of—

''(AA) the initial noncompliance determination;

''(BB) the account identified under item (aa); and

''(CC) the reduction under item (bb).

''(iii) CONTINUED NONCOMPLIANCE.—

''(I) DETERMINATION.—Every 90 days after the date of an initial noncompliance determination, the Director shall determine whether the head of the Federal agency has complied with the applicable requirements of subparagraphs (A) through (C) for the proposed action, until the date on which the Director determines that the head of the Federal agency has completed the NEPA process for the proposed action.

''(II) PENALTY; NOTIFICATION.—For each determination made by the Director under subclause (I) that the head of a Federal agency has not complied with a requirement of subparagraph (A), (B), or (C) for a proposed action—

''(aa) the amount that the head of the Federal agency may obligate from the account identified under clause (ii)(II)(aa) for the fiscal year during which the most recent determination under subclause (I) is made shall be reduced by 0.5 percent from the amount initially made available for the account for that fiscal year; and

''(bb) the Director shall notify the head of the Federal agency of—

''(AA) the determination under subclause (I); and

''(BB) the reduction under item (aa).

''(iv) REQUIREMENTS.—

''(I) AMOUNTS NOT RESTORED.—A reduction in the amount that the head of a Federal agency may obligate under clause (ii)(II)(bb) or (iii)(II)(aa) during a fiscal year shall not be restored for that fiscal year, without regard to whether the head of a Federal agency completes the NEPA process for the proposed action with respect to which the Director made an initial noncompliance determination or a determination under clause (iii)(I).

''(II) REQUIRED TIMELINES.—The violation of subparagraph (B) or (C), and any action carried out to remediate or otherwise address the violation, shall not affect any other applicable compliance date under subparagraph (A), (B), or (C).

''(E) UNEXPECTED CIRCUMSTANCES.—If, while carrying out a proposed action after the completion of the NEPA process for that proposed action, a Federal agency or project sponsor encounters a new or unexpected circumstance or condition that may require the reevaluation of the proposed action under this title, the head of the Federal agency with responsibility for carrying out the NEPA process for the proposed action shall—

''(i) consider whether mitigating the new or unexpected circumstance or condition is sufficient to avoid significant effects that may result from the circumstance or condition; and

''(ii) if the head of the Federal agency determines under clause (i) that the significant effects that result from the circumstance or condition can be avoided, mitigate the circumstance or condition without carrying out the NEPA process again.

''(2) AUTHORIZATIONS AND PERMITS.—

''(A) IN GENERAL.—Not later than 90 days after the date described in section 109(3)(B)(ii), the head of a Federal agency shall issue—

''(i) any necessary permit or authorization to carry out the proposed action; or

''(ii) a denial of the permit or authorization necessary to carry out the proposed action.

''(B) EFFECT OF FAILURE TO ISSUE AUTHORIZATION OR PERMIT.—If a permit or authorization described in subparagraph (A) is not issued or denied within the period described in that subparagraph, the permit or authorization shall be considered to be approved.

''(C) DENIAL OF PERMIT OR AUTHORIZATION.—

''(i) IN GENERAL.—If a permit or authorization described in subparagraph (A) is denied, the head of the Federal agency shall describe to the project sponsor—

''(I) the basis of the denial; and

''(II) recommendations for the project sponsor with respect to how to address the reasons for the denial.

''(ii) RECOMMENDED CHANGES.—If the project sponsor carries out the recommendations of the head of the Federal agency under clause (i)(II) and notifies the head of the Federal agency that the recommendations have been carried out, the head of the Federal agency—

''(I) shall decide whether to issue the permit or authorization described in subparagraph (A) not later than 90 days after date on which the project sponsor submitted the notification; and

''(II) shall not carry out the NEPA process with respect to the proposed action again.''.

(2) AGENCY PROCESS REFORMS.—Section 105 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (as added by paragraph (1)(B)) is amended by adding at the end the following:

''(c) PROHIBITIONS.—In carrying out the NEPA process, the head of a Federal agency may not—

''(1) consider whether a proposed action or an alternative to the proposed action considered by the head of the Federal agency, including the design, environmental impact, mitigation measures, or adaptation measures of the proposed action or alternative to the proposed action, has an effect on climate change;

''(2) with respect to a proposed action or an alternative to the proposed action considered by the head of the Federal agency, consider the effects of the emission of greenhouse gases on climate change;

''(3) consider an alternative to the proposed action if the proposed action is not technically or economically feasible to the project sponsor; or

''(4) consider an alternative to the proposed action that is not within the jurisdiction of the Federal agency.

''(d) ENVIRONMENTAL DOCUMENTS.—

''(1) EIS REQUIRED.—In carrying out the NEPA process for a proposed action that requires the preparation of an environmental impact statement, the head of a Federal agency shall produce for the proposed action not more than 1—

''(A) environmental impact statement;

''(B) if necessary, environmental assessment; and

''(C) record of decision.

''(2) EIS NOT REQUIRED.—In carrying out the NEPA process for a proposed action that does not require the preparation of an environmental impact statement, the head of a Federal agency shall produce for the proposed action not more than 1—

''(A) environmental assessment; or

''(B) finding of no significant impact.

''(e) CATEGORICAL EXCLUSIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (2), the head of a Federal agency may, without further approval, use a categorical exclusion under this title that has been approved by—

''(A)(i) another Federal agency; and

''(ii) the Council on Environmental Quality; or

''(B) an Act of Congress.

''(2) REQUIREMENTS.—The head of a Federal agency may use a categorical exclusion described in paragraph (1) if the head of the Federal agency—

''(A) carefully reviews the description of the proposed action to ensure that it fits within the category of actions described in the categorical exclusion; and

''(B) considers the circumstances associated with the proposed action to ensure that there are no extraordinary circumstances that warrant the preparation of an environmental assessment or an environmental impact statement.

''(3) EXTRAORDINARY CIRCUMSTANCES.—If the head of a Federal agency determines that extraordinary circumstances are present with respect to a proposed action, the head of the Federal agency shall—

''(A) consider whether mitigating circumstances or other conditions are sufficient to avoid significant effects of the proposed action; and

''(B) if the head of the Federal agency determines that those significant effects can be avoided, apply a categorical exclusion to the proposed action.

''(f) REUSE OF WORK; DOCUMENTS PREPARED BY QUALIFIED 3RD PARTIES.—

''(1) IN GENERAL.—In carrying out the NEPA process for a proposed action—

''(A) subject to paragraph (2), the head of a Federal agency shall—

''(i) use any applicable findings and research from a prior NEPA process of any Federal agency; and

''(ii) incorporate the findings and research described in clause (i) into any applicable analysis under the NEPA process; and

''(B) a Federal agency may adopt as an environmental impact statement, environmental assessment, or other environmental document to achieve compliance with this title—

''(i) an environmental document prepared under the law of the applicable State if the head of the Federal agency determines that the environmental laws of the applicable State—

''(I) provide the same level of environmental analysis as the analysis required under this title; and

''(II) allow for the opportunity of public comment; or

''(ii) subject to paragraph (3), an environmental document prepared by a qualified third party chosen by the project sponsor, at the expense of the project sponsor, if the head of the Federal agency—

''(I) provides oversight of the preparation of the environmental document by the third party; and

''(II) independently evaluates the environmental document for the compliance of the environmental document with this title.

''(2) REQUIREMENT FOR THE REUSE OF FINDINGS AND RESEARCH.—The head of a Federal agency may reuse the applicable findings and research described in paragraph (1)(A) if—

''(A)(i) the project for which the head of the Federal agency is seeking to reuse the findings and research was in close geographic proximity to the proposed action; and

''(ii) the head of the Federal agency determines that the conditions under which the applicable findings and research were issued have not substantially changed; or

''(B)(i) the project for which the head of the Federal agency is seeking to reuse the findings and research was not in close geographic proximity to the proposed action; and

''(ii) the head of the Federal agency determines that the proposed action has similar issues or decisions as the project.

''(3) REQUIREMENTS FOR CREATION OF ENVIRONMENTAL DOCUMENT BY QUALIFIED 3RD PARTIES.—

''(A) IN GENERAL.—A qualified third party may prepare an environmental document intended to be adopted by a Federal agency as the environmental impact statement, environmental assessment, or other environmental document for a proposed action under paragraph (1)(B)(ii) if—

''(i) the project sponsor submits a written request to the head of the applicable Federal agency that the head of the Federal agency approve the qualified third party to create the document intended to be adopted by a Federal agency as the environmental impact statement, environmental assessment, or other environmental document; and

''(ii) the head of the Federal agency determines that—

''(I) the third party is qualified to prepare the document; and

''(II) the third party has no financial or other interest in the outcome of the proposed action.

''(B) DEADLINE.—The head of a Federal agency that receives a written request under subparagraph (A)(i) shall issue a written decision approving or denying the request not later than 30 days after the date on which the written request is received.

''(C) NO PRIOR WORK.—The head of a Federal agency may not adopt an environmental document under paragraph (1)(B)(ii) if the qualified third party began preparing the document prior to the date on which the head of the Federal agency issues the written decision under subparagraph (B) approving the request.

''(D) DENIALS.—If the head of a Federal agency issues a written decision denying the request under subparagraph (A)(i), the head of the Federal agency shall submit to the project sponsor with the written decision the

findings that served as the basis of the denial.

''(g) MULTI-AGENCY PROJECTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) COOPERATING AGENCY.—The term 'cooperating agency' means a Federal agency involved in a proposed action that—

''(i) is not the lead agency; and

''(ii) has the jurisdiction or special expertise such that the Federal agency needs to be consulted—

''(I) to use a categorical exclusion; or

''(II) to prepare an environmental assessment or environmental impact statement, as applicable.

''(B) LEAD AGENCY.—The term 'lead agency' means the Federal agency selected under paragraph (2)(A).

''(2) AGENCY DESIGNATION.—

''(A) LEAD AGENCY.—In carrying out the NEPA process for a proposed action that requires authorization from multiple Federal agencies, the heads of the applicable Federal agencies shall determine the lead agency for the proposed action.

''(B) INVITATION.—The head of the lead agency may invite any relevant State, local, or Tribal agency with Federal authorization decision responsibility to be a cooperating agency.

''(3) RESPONSIBILITIES OF LEAD AGENCY.—The lead agency for a proposed action shall—

''(A) as soon as practicable and in consultation with the cooperating agencies, determine whether a proposed action requires the preparation of an environmental impact statement; and

''(B) if the head of the lead agency determines under subparagraph (A) that an environmental impact statement is necessary—

''(i) be responsible for coordinating the preparation of an environmental impact statement;

''(ii) provide cooperating agencies with an opportunity to review and contribute to the preparation of the environmental impact statement and environmental assessment, as applicable, of the proposed action, except that the cooperating agency shall limit comments to issues within the special expertise or jurisdiction of the cooperating agency; and

''(iii) subject to subsection (c), as soon as practicable and in consultation with the cooperating agencies, determine the range of alternatives to be considered for the proposed action.

''(4) ENVIRONMENTAL DOCUMENTS.—In carrying out the NEPA process for a proposed action, the lead agency shall prepare not more than 1 of each type of document described in paragraph (1) or (2) of subsection (d), as applicable—

''(A) in consultation with cooperating agencies; and

''(B) for all applicable Federal agencies.

''(5) PROHIBITIONS.—

''(A) IN GENERAL.—A cooperating agency may not evaluate an alternative to the proposed action that has not been determined to be within the range of alternatives considered under paragraph (3)(B)(iii).

''(B) OMISSION.—If a cooperating agency submits to the lead agency an evaluation of an alternative that does not meet the requirements of subsection (c), the lead agency shall omit the alternative from the environmental impact statement.

''(h) REPORTS.—

''(1) NEPA DATA.—

''(A) IN GENERAL.—The head of each Federal agency that carries out the NEPA process shall carry out a process to track, and annually submit to Congress a report containing, the information described in subparagraph (B).

''(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is, with respect to the Federal agency issuing the report under that subparagraph—

''(i) the number of proposed actions for which a categorical exclusion was issued during the reporting period;

''(ii) the length of time the Federal agency took to issue the categorical exclusions described in clause (i);

''(iii) the number of proposed actions pending on the date on which the report is submitted for which the issuance of a categorical exclusion is pending;

''(iv) the number of proposed actions for which an environmental assessment was issued during the reporting period;

''(v) the length of time the Federal agency took to complete each environmental assessment described in clause (iv);

''(vi) the number of proposed actions pending on the date on which the report is submitted for which an environmental assessment is being drafted;

''(vii) the number of proposed actions for which an environmental impact statement was issued during the reporting period;

''(viii) the length of time the Federal agency took to complete each environmental impact statement described in clause (vii); and

''(ix) the number of proposed actions pending on the date on which the report is submitted for which an environmental impact statement is being drafted.

''(2) NEPA COSTS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget shall jointly develop a methodology to assess the comprehensive costs of the NEPA process.

''(B) REQUIREMENTS.—The head of each Federal agency that carries out the NEPA process shall—

''(i) adopt the methodology developed under subparagraph (A); and

''(ii) use the methodology developed under subparagraph (A) to annually submit to Congress a report describing—

''(I) the comprehensive cost of the NEPA process for each proposed action that was carried out within the reporting period; and

''(II) for a proposed action for which the head of the Federal agency is still completing the NEPA process at the time the report is submitted—

''(aa) the amount of money expended to date to carry out the NEPA process for the proposed action; and

''(bb) an estimate of the remaining costs before the NEPA process for the proposed action is complete.''.

(3) LEGAL REFORMS.—Section 105 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (as amended by paragraph (2)) is amended by adding at the end the following:

''(i) JUDICIAL REVIEW.—

''(1) STANDING.—Notwithstanding any other provision of law, a plaintiff may only bring a claim arising under Federal law seeking judicial review of a portion of the NEPA process if the plaintiff pleads facts that allege that the plaintiff has personally suffered, or will likely personally suffer, a direct, tangible harm as a result of the portion of the NEPA process for which the plaintiff is seeking review.

''(2) STATUTE OF LIMITATIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B)(ii), a claim arising under Federal law seeking judicial review of any portion of the NEPA process shall be barred unless it is filed not later than the earlier of—

''(i) 150 days after the final agency action under the NEPA process has been taken; and

''(ii) if applicable, an earlier date after which judicial review is barred that is specified in the Federal law pursuant to which the judicial review is allowed.

''(B) NEW INFORMATION.—

''(i) CONSIDERATION.—A Federal agency shall consider for the purpose of a supplemental environmental impact statement new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under the regulations of the Federal agency.

''(ii) STATUTE OF LIMITATIONS BASED ON NEW INFORMATION.—If a supplemental environmental impact statement is required under the regulations of a Federal agency, a claim for judicial review of the supplemental environmental impact statement shall be barred unless it is filed not later than the earlier of—

''(I) 150 days after the publication of a notice in the Federal Register that the supplemental environmental impact statement is final; and

''(II) if applicable, an earlier date after which judicial review is barred that is specified in the Federal law pursuant to which the judicial review is allowed.

''(C) SAVINGS CLAUSE.—Nothing in this paragraph creates a right to judicial review.

''(3) REMEDIES.—

''(A) PRELIMINARY INJUNCTIONS AND TEMPORARY RESTRAINING ORDERS.—

''(i) IN GENERAL.—Subject to clause (ii), in a motion for a temporary restraining order or preliminary injunction against a Federal agency or project sponsor in a claim arising under Federal law seeking judicial review of any portion of the NEPA process, the plaintiff shall establish by clear and convincing evidence that—

''(I) the plaintiff is likely to succeed on the merits;

''(II) the plaintiff is likely to suffer irreparable harm in the absence of the temporary restraining order or preliminary injunction, as applicable;

''(III) the balance of equities is tipped in the favor of the plaintiff; and

''(IV) the temporary restraining order or preliminary injunction is in the public interest.

''(ii) ADDITIONAL REQUIREMENTS.—A court may not grant a motion described in clause (i) unless the court—

''(I) makes a finding of extraordinary circumstances that warrant the granting of the motion;

''(II) considers the potential effects on public health, safety, and the environment, and the potential for significant negative effects on jobs resulting from granting the motion; and

''(III) notwithstanding any other provision of law, applies the requirements of Rule 65(c) of the Federal Rules of Civil Procedure.

''(B) PERMANENT INJUNCTIONS.—

''(i) IN GENERAL.—Subject to clause (ii), in a motion for a permanent injunction against a Federal agency or project sponsor a claim arising under Federal law seeking judicial review of any portion of the NEPA process, the plaintiff shall establish by clear and convincing evidence that—

''(I) the plaintiff has suffered an irreparable injury;

''(II) remedies available at law, including monetary damages, are inadequate to compensate for the injury;

''(III) considering the balance of hardship between the plaintiff and defendant, a remedy in equity is warranted;

''(IV) the public interest is not disserved by a permanent injunction; and

''(V) if the error or omission of a Federal agency in a statement required under this title is the grounds for which the plaintiff is

seeking judicial review, the error or omission is likely to result in specific, irreparable damage to the environment.

''(ii) ADDITIONAL SHOWING.—A court may not grant a motion described in clause (i) unless—

''(I) the court makes a finding that extraordinary circumstances exist that warrant the granting of the motion; and

''(II) the permanent injunction is—

''(aa) as narrowly tailored as possible to correct the injury; and

''(bb) the least intrusive means necessary to correct the injury.''.

(4) OTHER REFORMS.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended by inserting after section 105 (as amended by paragraph (3)) the following:

**''SEC. 106. EPA REVIEW.**

''(a) DEFINITION OF FEDERAL AGENCY.—In this section, the term 'Federal agency' includes a State that has assumed the responsibility of a Federal agency under—

''(1) section 107; or

''(2) section 327 of title 23, United States Code.

''(b) EPA COMMENTS.—The Administrator of the Environmental Protection Agency (referred to in this section as the 'Administrator') may comment on a draft or final submission of an environmental impact statement from any Federal agency.

''(c) TECHNICAL ASSISTANCE.—The Administrator may, on request of a Federal agency preparing a draft or final environmental impact statement, provide technical assistance in the completion of that environmental impact statement.

**''SEC. 107. PROJECT DELIVERY PROGRAMS.**

''(a) DEFINITION OF AGENCY PROGRAM.—In this section, the term 'agency program' means a project delivery program established by a Federal agency under subsection (b)(1).

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The head of each Federal agency, including the Secretary of Transportation, shall carry out a project delivery program.

''(2) ASSUMPTION OF RESPONSIBILITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the head of each Federal agency shall, on request of a State, enter into a written agreement with the State, which may be in the form of a memorandum of understanding, in which the head of each Federal agency may assign, and the State may assume, the responsibilities of the head of the Federal agency under this title with respect to 1 or more projects within the State that are under the jurisdiction of the Federal agency.

''(B) EXCEPTION.—The head of a Federal agency shall not enter into a written agreement under subparagraph (A) if the head of the Federal agency determines that the State is not in compliance with the requirements described in subsection (c)(4).

''(C) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

''(i) the head of the Federal agency may assign to the State, and the State may assume, all or part of the responsibilities of the head of the Federal agency for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific project;

''(ii) at the request of the State, the head of the Federal agency may also assign to the State, and the State may assume, the responsibilities of the head of the Federal agency under this title with respect to 1 or more projects within the State that are under the jurisdiction of the Federal agency; but

''(iii) the head of the Federal agency may not assign responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506).

''(D) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Federal agency.

''(E) FEDERAL RESPONSIBILITY.—Any responsibility of a Federal agency not explicitly assumed by the State by written agreement under subparagraph (A) shall remain the responsibility of the Federal agency.

''(F) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than the Federal agency for which the written agreement applies, under applicable law (including regulations) with respect to a project.

''(G) PRESERVATION OF FLEXIBILITY.—The head of the Federal agency may not require a State, as a condition of participation in the agency program of the Federal agency, to forego project delivery methods that are otherwise permissible for projects under applicable law.

''(H) LEGAL FEES.—A State assuming the responsibilities of a Federal agency under this section for a specific project may use funds awarded to the State for that project for attorneys' fees directly attributable to eligible activities associated with the project.

''(c) STATE PARTICIPATION.—

''(1) PARTICIPATING STATES.—Except as provided in subsection (b)(2)(B), all States are eligible to participate in an agency program.

''(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the head of each Federal agency shall amend, as appropriate, regulations that establish requirements relating to information required to be contained in any application of a State to participate in the agency program, including, at a minimum—

''(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the agency program;

''(B) verification of the financial resources necessary to carry out the authority that may be granted under the agency program; and

''(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the agency program, including copies of comments received from that solicitation.

''(3) PUBLIC NOTICE.—

''(A) IN GENERAL.—Each State that submits an application under this subsection shall give notice of the intent of the State to participate in an agency program not later than 30 days before the date of submission of the application.

''(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice law of the State.

''(4) SELECTION CRITERIA.—The head of a Federal agency may approve the application of a State under this section only if—

''(A) the regulatory requirements under paragraph (2) have been met;

''(B) the head of the Federal agency determines that the State has the capability, including financial and personnel, to assume the responsibility; and

''(C) the head of the State agency having primary jurisdiction over the project enters into a written agreement with the head of the Federal agency as described in subsection (d).

''(5) OTHER FEDERAL AGENCY VIEWS.—If a State applies to assume a responsibility of the Federal agency that would have required the head of the Federal agency to consult with the head of another Federal agency, the head of the Federal agency shall solicit the views of the head of the other Federal agency before approving the application.

''(d) WRITTEN AGREEMENT.—A written agreement under subsection (b)(2)(A) shall—

''(1) be executed by the Governor or the top-ranking official in the State who is charged with responsibility for the project;

''(2) be in such form as the head of the Federal agency may prescribe;

''(3) provide that the State—

''(A) agrees to assume all or part of the responsibilities of the Federal agency described in subparagraphs (A) and (C) of subsection (b)(2);

''(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Federal agency assumed by the State;

''(C) certifies that State laws (including regulations) are in effect that—

''(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

''(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

''(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

''(4) require the State to provide to the head of the Federal agency any information the head of the Federal agency reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

''(5) have a term of not more than 5 years; and

''(6) be renewable.

''(e) JURISDICTION.—

''(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State for failure to carry out any responsibility of the State under this section.

''(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the head of a Federal agency had the head of the Federal agency taken the actions in question.

''(3) INTERVENTION.—The head of a Federal agency shall have the right to intervene in any action described in paragraph (1).

''(f) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State that assumes responsibility under subsection (b)(2) shall be solely responsible and solely liable for carrying out, in lieu of and without further approval of the head of the Federal agency, the responsibilities assumed under subsection (b)(2), until the agency program is terminated under subsection (k).

''(g) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the head of a Federal agency under any Federal law.

''(h) AUDITS.—

''(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (d) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (b)(2)), for each State participating in an agency program, the head of a Federal agency shall—

''(A) not later than 180 days after the date of execution of the agreement, meet with the

State to review implementation of the agreement and discuss plans for the first annual audit;

''(B) conduct annual audits during each of the first 4 years of State participation; and

''(C) ensure that the time period for completing an annual audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.

''(2) PUBLIC AVAILABILITY AND COMMENT.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

''(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the head of the Federal agency shall respond to public comments received under subparagraph (A).

''(3) AUDIT TEAM.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the head of the Federal agency, in consultation with the State, in accordance with subparagraph (B).

''(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review and provide comments on the proposed members of the audit team.

''(i) MONITORING.—After the fourth year of the participation of a State in an agency program, the head of the Federal agency shall monitor compliance by the State with the written agreement, including the provision by the State of financial resources to carry out the written agreement.

''(j) REPORT TO CONGRESS.—The head of each Federal agency shall submit to Congress an annual report that describes the administration of the agency program.

''(k) TERMINATION.—

''(1) TERMINATION BY FEDERAL AGENCY.—The head of a Federal agency may terminate the participation of any State in the agency program of the Federal agency if—

''(A) the head of the Federal agency determines that the State is not adequately carrying out the responsibilities assigned to the State;

''(B) the head of the Federal agency provides to the State—

''(i) a notification of the determination of noncompliance;

''(ii) a period of not less than 120 days to take such corrective action as the head of the Federal agency determines to be necessary to comply with the applicable agreement; and

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the head of the Federal agency.

''(2) TERMINATION BY THE STATE.—A State may terminate the participation of the State in an agency program at any time by providing to the head of the applicable Federal agency a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the head of the Federal agency may provide.

''(l) CAPACITY BUILDING.—The head of a Federal agency, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

''(1) to assist States in developing the capacity to participate in the agency program of the Federal agency; and

''(2) to promote information sharing and collaboration among States that are participating in the agency program of the Federal agency.

''(m) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—A State granted authority under an agency program may, as appropriate and at the request of a local government—

''(1) exercise that authority on behalf of the local government for a locally administered project; or

''(2) provide guidance and training on consolidating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered project to comply with this title and any comparable requirements under State law.''.

(5) PROHIBITION ON GUIDANCE.—No Federal agency, including the Council on Environmental Quality, may reissue the final guidance of the Council on Environmental Quality entitled ''Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews'' (81 Fed. Reg. 51866 (August 5, 2016)) or substantially similar guidance unless authorized by an Act of Congress.

(6) DEFINITIONS.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) (as amended by paragraph (1)(A)) is amended by adding at the end the following:

**''SEC. 109. DEFINITIONS.**

''In this title:

''(1) ENVIRONMENTAL ASSESSMENT.—The term 'environmental assessment' has the meaning given the term in section 1508.9 of title 40, Code of Federal Regulations (or a successor regulation).

''(2) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed statement required under section 102(2)(C).

''(3) NEPA PROCESS.—

''(A) IN GENERAL.—The term 'NEPA process' means the entirety of every process, analysis, or other measure, including an environmental impact statement, required to be carried out by a Federal agency under this title before the agency undertakes a proposed action.

''(B) PERIOD.—For purposes of subparagraph (A), the NEPA process—

''(i) begins on the date on which the head of a Federal agency receives an application for a proposed action from a project sponsor; and

''(ii) ends on the date on which the Federal agency issues, with respect to the proposed action—

''(I) a record of decision, including, if necessary, a revised record of decision;

''(II) a finding of no significant impact; or

''(III) a categorical exclusion under this title.

''(4) PROJECT SPONSOR.—The term 'project sponsor' means a Federal agency or other entity, including a private or public-private entity, that seeks approval of a proposed action.''.

(7) CONFORMING AMENDMENTS.—

(A) POLICY REVIEW.—Section 309 of the Clean Air Act (42 U.S.C. 7609) is repealed.

(B) SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.—Section 327 of title 23, United States Code, is amended—

(i) in subsection (a)(1), by striking ''The Secretary'' and inserting ''Subject to subsection (m), the Secretary''; and

(ii) by adding at the end the following:

''(m) SUNSET.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the authority provided by this section terminates on the date of enactment of this subsection.

''(2) EXISTING AGREEMENTS.—Subject to the requirements of this section, the Secretary may continue to enforce any agreement entered into under this section before the date of enactment of this subsection.''.

(b) ATTORNEY FEES IN ENVIRONMENTAL LITIGATION.—

(1) ADMINISTRATIVE PROCEDURE.—Section 504(b)(1) of title 5, United States Code, is amended—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(G) 'special factor' does not include knowledge, expertise, or skill in environmental litigation.''.

(2) UNITED STATES AS PARTY.—Section 2412(d)(2) of title 28, United States Code, is amended—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(J) 'special factor' does not include knowledge, expertise, or skill in environmental litigation.''.

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**SA 2268.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division G, add the following:

**TITLE XII—PAYMENTS IN LIEU OF TAXES**

**SEC. 71201. SHORT TITLE.**

This title may be cited as the ''Making Obligations Right by Enlarging Payments In Lieu of Taxes Act'' or the ''MORE PILT Act''.

**SEC. 71202. FINDINGS; SENSE OF CONGRESS.**

(a) FINDINGS.—Congress finds that—

(1) Congress agreed with recommendations of a Federal commission that, if Federal land is to be retained by the Federal Government and not contribute to the tax bases of the units of general local government within the jurisdictions of which the land is located, compensation should be offered to those units of general local government to make up for the presence of nontaxable land within the jurisdictions of those units of general local government;

(2)(A) units of general local government rely on the stability of property tax revenues; and

(B) Federal programs that are subject to the annual appropriations process, such as the payment in lieu of taxes program, offer far less certainty than property taxes as a form of revenue for units of general local government;

(3) Federal agencies have determined that payments to units of general local government under the payment in lieu of taxes program are far lower than what would be due to units of general local government under tax equivalency;

(4) payments under the payment in lieu of taxes program help units of general local government carry out vital services, such as firefighting, police protection, public education, construction of public schools, construction of roads, and search-and-rescue operations; and

(5) the technology exists to more accurately approximate what the taxable value of

land held by the Federal Government would be if that land were taxable by units of general local government.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal Government should—

(1) determine the amount that payments under the payment in lieu of taxes program would be if those payments were equivalent to the tax revenues that units of general local government would otherwise receive for the same land; and

(2) compensate those units of general local government accordingly.

**SEC. 71203. DEFINITIONS.**

In this Act:

(1) ENTITLEMENT LAND.—The term ''entitlement land'' has the meaning given the term in section 6901 of title 31, United States Code.

(2) HIGHEST AND BEST USE.—

(A) IN GENERAL.—The term ''highest and best use'', with respect to a parcel of entitlement land, means the potential use described in subparagraph (B) that would result in the highest value of the land.

(B) POTENTIAL USES DESCRIBED.—A potential use referred to in subparagraph (A) is any use of a parcel of land that, in the absence of Federal ownership of the land, would be—

(i) physically possible;

(ii) reasonably probable;

(iii) legal;

(iv) appropriately supported; and

(v) financially feasible.

(3) MARKET VALUE.—The term ''market value'', with respect to a parcel of entitlement land, means the value that the land would have in a fair and open market—

(A) disregarding any limitation on economic development and any other development restriction due to Federal ownership of the land or any Federal designation; and

(B) calculated within an appropriate margin of error, as determined by the Secretary.

(4) PAYMENT IN LIEU OF TAXES PROGRAM.—The term ''payment in lieu of taxes program'' means the payment in lieu of taxes program established under chapter 69 of title 31, United States Code.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) TAX EQUIVALENT AMOUNT.—The term ''tax equivalent amount'', with respect to payments under the payment in lieu of taxes program, means the approximate amount of property tax revenues that would be generated for units of general local government with respect to entitlement land—

(A) if that land were—

(i) privately owned; and

(ii) subject to—

(I) local zoning laws (including regulations);

(II) local tax laws (including regulations); and

(III) any other relevant law, rule, or authority; and

(B) taking into account any maximum or minimum taxable value of land that is imposed by a State or unit of general local government.

(7) TOOL.—The term ''tool'' means the tool or combination of tools developed and maintained under section 71204(a)(1).

(8) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' has the meaning given the term in section 6901 of title 31, United States Code.

**SEC. 71204. MODELING TOOL, STUDY, AND REPORTS RELATING TO THE TAX EQUIVALENT AMOUNT OF PAYMENTS UNDER THE PAYMENT IN LIEU OF TAXES PROGRAM.**

(a) MODELING TOOL.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture and the head of any other Federal agency that the Secretary determines to be appropriate, shall develop and maintain a market analysis tool, mass appraisal tool, or other appropriate modeling tool (or combination of tools), as determined to be appropriate by the Secretary, that—

(A) accounts for—

(i) reasonable and customary valuation factors; and

(ii) if, in the determination of the Secretary, data are inadequate to calculate a sufficiently precise estimate of the market value of the applicable parcel of entitlement land, assumptions of those factors; and

(B) calculates, in a timely manner—

(i) the approximate market value of entitlement land; and

(ii) the approximate tax equivalent amount of payments under the payment in lieu of taxes program for that land.

(2) REQUIREMENTS.—The tool shall—

(A) calculate, in a timely manner, the approximate market value of entitlement land;

(B) enable an employee or agent of the Department of the Interior to manually modify factors relating to the valuation model used by the tool to calculate, in a timely manner, the market value of entitlement land based on new assumptions relating to that land;

(C) to the maximum extent practicable, provide technical anchors relating to market data—

(i) to ensure the ongoing integrity of the tool; and

(ii) to ensure that the land values determined by the tool are defensible and based on sound and generally accepted valuation methodologies;

(D) to the maximum extent practicable, assimilate, in a visual interface—

(i) market data, including the availability of mineral extraction, energy production, water management, timber management, agricultural uses, and recreational uses with respect to the applicable land; and

(ii) geospatial data relating to all entitlement land;

(E) as frequently as practicable, automatically adjust to reflect current market conditions, as reflected in readily available market sources, as determined by the Secretary, in consultation with the Secretary of Agriculture;

(F) allow a user of the tool—

(i) to estimate the value of entitlement land as that land is currently used; and

(ii) to estimate changes in that value due to future uses under various scenarios under private ownership; and

(G) provide a variety of estimates of the value of any entitlement land for which there is no comparable non-Federal land from which to derive the information necessary to accurately calculate the market value of the entitlement land, including an estimate based on the highest and best use of the entitlement land if the entitlement land were privately owned.

(b) STUDY AND REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and annually thereafter for 4 years, the Secretary, in consultation with the Secretary of Agriculture and the head of any other Federal agency that the Secretary determines to be appropriate, shall—

(A) conduct a study—

(i) to evaluate all entitlement land;

(ii) to determine, to the maximum extent practicable, the market value of that land; and

(iii) to determine, to the maximum extent practicable, the tax equivalent amount of payments under the payment in lieu of taxes program for that land; and

(B) submit to Congress and make publicly available a report describing—

(i) the results of the study conducted under subparagraph (A); and

(ii) how payments under the payment in lieu of taxes program could more accurately reflect the tax equivalent amount.

(2) REQUIREMENT.—In conducting the study under paragraph (1)(A), the Secretary shall consider any studies conducted by States, counties, or other taxing jurisdictions pertaining to the tax equivalent amount of payments under the payment in lieu of taxes program.

(3) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture and the head of any other Federal agency that the Secretary determines to be appropriate, shall submit to Congress a report that—

(A) describes the progress of the Secretary in—

(i) developing the tool; and

(ii) conducting the study under paragraph (1)(A);

(B) contains an assessment of the accuracy with which the Secretary will be able to determine—

(i) the market value of entitlement land; and

(ii) the tax equivalent amount of payments under the payment in lieu of taxes program for that land;

(C) describes the models and data that the Secretary has developed or collected, or intends to develop or collect, as applicable, and plans to use in determining—

(i) the market value of entitlement land; and

(ii) the tax equivalent amount of payments under the payment in lieu of taxes program for that land; and

(D) includes any other information that, in the determination of the Secretary, is relevant to—

(i) the efficacy of the tool;

(ii) the determination of—

(I) the market value of entitlement land; or

(II) the tax equivalent amount of payments under the payment in lieu of taxes program for that land; or

(iii) the effects of providing payments under the payment in lieu of taxes program that more accurately reflect the tax equivalent amount.

(c) CONTRACTS AND CONSULTANTS.—The Secretary may contract or consult with any public or private entity to analyze data, conduct research, or develop a model that would contribute to the reports under subsection (b) or the tool.

(d) DATA COLLECTION AND REPORTING.—

(1) IN GENERAL.—The Secretary may develop reporting methods to allow units of general local government to self-report, not more frequently than annually, data, including, as the Secretary determines to be necessary—

(A) property tax values of land;

(B) zoning restrictions; and

(C) mill levies.

(2) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to units of general local government with respect to the reporting of information under paragraph (1).

(e) AVAILABILITY OF INFORMATION.—

(1) REQUEST FOR INFORMATION.—Any individual or entity may submit to the Secretary a request for information relating to the method used by the Secretary to determine—

(A) the market value of entitlement land; or

(B) the tax equivalent amount of payments under the payment in lieu of taxes program for that land.

(2) INFORMATION PROVIDED.—The Secretary shall provide to each individual or entity that submits a request for information under paragraph (1)—

(A) any data and models used by the Secretary to determine, as applicable—

(i) the market value of any entitlement land for which a unit of general local government receives payments under the payment in lieu of taxes program; or

(ii) the tax equivalent amount of payments under the payment in lieu of taxes program for that land; and

(B) a description of how the data and models described in subparagraph (A) are used to make the determinations described in that subparagraph.

(3) RESPONSE DEADLINE FOR CERTAIN REQUESTS.—Not later than 30 days after receiving a request under paragraph (1) from a unit of general local government pertaining to entitlement land for which the unit of general local government receives payments under the payment in lieu of taxes program, the Secretary shall provide to that unit of general local government the information described in paragraph (2) with respect to that land.

(f) FUNDING.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

''(e) TAX EQUIVALENCY OF PILT PAYMENTS MODELING TOOL, STUDY, AND REPORT.—For each of the first 6 fiscal years beginning after the date of enactment of the MORE PILT Act, there shall be made available to the Secretary, out of amounts made available for expenditure under section 200303, $9,000,000 to carry out that Act.''.

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**SA 2269.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**DIVISION _____—DRONE INTEGRATION AND ZONING**

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Drone Integration and Zoning Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:



**SEC. 2. DEFINITIONS.**

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) CIVIL.—The term ''civil'', with respect to an unmanned aircraft system, means that the unmanned aircraft is not a public aircraft (as defined in section 40102 of title 49, United States Code).

(3) COMMERCIAL OPERATOR.—The term ''commercial operator'' means a person who operates a civil unmanned aircraft system for commercial purposes.

(4) IMMEDIATE REACHES OF AIRSPACE.—The term ''immediate reaches of airspace'' means, with respect to the operation of a civil unmanned aircraft system, any area within 200 feet above ground level.

(5) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) LOCAL GOVERNMENT.—The term ''local'', with respect to a government, means the government of a subdivision of a State.

(7) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and the territories and possessions of the United States.

(8) TRIBAL GOVERNMENT.—The term ''Tribal'', with respect to a government, means the governing body of an Indian Tribe.

(9) UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.—The terms ''unmanned aircraft'' and ''unmanned aircraft system'' have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(10) UNMANNED AIRCRAFT TAKE-OFF AND LANDING ZONE.—The term ''unmanned aircraft take-off and landing zone'' means a structure, area of land or water, or other designation for use or intended to be used for the take-off or landing of civil unmanned aircraft systems operated by a commercial operator.

**SEC. 3. FEDERAL AVIATION ADMINISTRATION UPDATES TO NAVIGABLE AIRSPACE.**

(a) DEFINITION.—Paragraph (32) of section 40102 of title 49, United States Code, is amended by adding at the end the following new sentence: ''In applying such term to the regulation of civil unmanned aircraft systems, such term shall not include the area within the immediate reaches of airspace (as defined in section 2 of Drone Integration and Zoning Act).''.

(b) RULEMAKING.—

(1) IN GENERAL.—The Administrator shall conduct a rulemaking proceeding to update the definition of ''navigable airspace''.

(2) CONSULTATION.—In conducting the rulemaking proceeding under paragraph (1), the Administrator shall consult with appropriate State, local, or Tribal officials.

(c) DESIGNATION REQUIREMENT.—In conducting the rulemaking proceeding under subsection (b), the Administrator shall designate the area between 200 feet and 400 feet above ground level—

(1) for use of civil unmanned aircraft systems under the exclusive authority of the Administrator; and

(2) for use by both commercial operators or hobbyists and recreational unmanned aircraft systems, under rules established by the Administrator.

(d) FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue a final rule pursuant to the rulemaking conducted under subsection (b).

(e) RULES OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) prohibit the Administrator from promulgating regulations related to the operation of unmanned aircraft systems at more than 400 feet above ground level; or

(2) diminish or expand the preemptive effect of the authority of the Federal Aviation Administration with respect to manned aviation.

**SEC. 4. PRESERVATION OF STATE, LOCAL, AND TRIBAL AUTHORITIES WITH RESPECT TO CIVIL UNMANNED AIRCRAFT SYSTEMS.**

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) Using its constitutional authority to regulate commerce among the States, Congress granted the Federal Government authority over all of the navigable airspace in the United States in order to foster air commerce.

(B) While the regulation of the navigable airspace is within the Federal Government's domain, the Supreme Court recognized in United States v. Causby, 328 U.S. 256 (1946), that the Federal Government's regulatory authority is limited by the property rights possessed by landowners over the exclusive control of the immediate reaches of their airspace.

(C) As a sovereign government, a State possesses police powers, which include the power to protect the property rights of its citizens.

(D) The proliferation of low-altitude operations of unmanned aircraft systems has created a conflict between the responsibility of the Federal Government to regulate the navigable airspace and the inherent sovereign police power possessed by the States to protect the property rights of their citizens.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) in order for landowners to have full enjoyment and use of their land, they must have exclusive control of the immediate reaches of airspace over their property;

(B) the States possess sovereign police powers, which include the power to regulate land use, protect property rights, and exercise zoning authority; and

(C) the Federal Government lacks the authority to intrude upon a State's sovereign right to issue reasonable time, manner, and place restrictions on the operation of unmanned aircraft systems operating within the immediate reaches of airspace.

(b) REQUIREMENTS RELATED TO REGULATIONS AND STANDARDS.—

(1) IN GENERAL.—In prescribing regulations or standards related to civil unmanned aircraft systems, the following shall apply:

(A) The Administrator shall not authorize the operation of a civil unmanned aircraft in the immediate reaches of airspace above property without permission of the property owner.

(B) Subject to paragraph (2), in the case of a structure that exceeds 200 feet above ground level, the Administrator shall not authorize the operation of a civil unmanned aircraft—

(i) within 50 feet of the top of such structure; or

(ii) within 200 feet laterally of such structure or inside the property line of such structure's owner, whichever is closer to such structure.

(C) The Administrator shall not authorize the physical contact of a civil unmanned aircraft, including such aircraft's take-off or landing, with a structure that exceeds 200 feet above ground level without permission of the structure's owner.

(D) The Administrator shall ensure that the authority of a State, local, or Tribal government to issue reasonable restrictions on the time, manner, and place of operation of a civil unmanned aircraft system that is operated below 200 feet above ground level is not preempted.

(2) EXCEPTION.—The limitation on the operation of a civil unmanned aircraft under paragraph (1)(B) shall not apply if—

(A) the operator of such aircraft has the permission of the structure's owner;

(B) such aircraft is being operated directly within or above an authorized public right of way; or

(C) such aircraft is being operated on an authorized commercial route designated under subsection (c).

(3) REASONABLE RESTRICTIONS.—For purposes of paragraph (1)(D), reasonable restrictions on the time, manner, and place of operation of a civil unmanned aircraft system include the following:

(A) Specifying limitations on speed of flight over specified areas.

(B) Prohibitions or limitations on operations in the vicinity of schools, parks, roadways, bridges, moving locations, or other public or private property.

(C) Restrictions on operations at certain times of the day or week or on specific occasions such as parades or sporting events, including sporting events that do not remain in one location.

(D) Prohibitions on careless or reckless operations, including operations while the operator is under the influence of alcohol or drugs.

(E) Other prohibitions that protect public safety, personal privacy, or property rights, or that manage land use or restrict noise pollution.

(c) DESIGNATION OF AUTHORIZED COMMERCIAL ROUTES.—

(1) IN GENERAL.—For purposes of subsection (b)(2)(C), not later than 18 months after the date of enactment of this Act, the Administrator shall establish a process for the designation of routes as authorized commercial routes. No area within 200 feet above ground level may be included in a designated authorized commercial route.

(2) APPLICATION.—Under the process established under paragraph (1), applicants shall submit an application for such a designation in a form and manner determined appropriate by the Administrator.

(3) TIMEFRAME FOR DECISION.—Under the process established under paragraph (1), the Administrator shall approve or disapprove a complete application for designation within 90 days of receiving the application.

(4) CONSULTATION.—In reviewing an application for the designation of an area under this subsection, the Administrator shall consult with and heavily weigh the views of—

(A) the applicable State, local, or Tribal government that has jurisdiction over the operation of unmanned aircraft in the area below the area to be designated;

(B) owners of structures who would be affected by the designation of a route as an authorized commercial route; and

(C) commercial unmanned aircraft operators.

(5) DENIAL OF APPLICATION.—If the Administrator denies an application for a designation under this subsection, the Administrator shall provide the applicant with—

(A) a detailed description of the reasons for the denial; and

(B) recommendations for changes that the applicant can make to correct the deficiencies in their application.

(6) APPROVAL OF APPLICATION.—If the Administrator approves an application for a designation under this subsection, the Administrator shall clearly describe the boundaries of the designated authorized commercial route and any applicable limitations for operations on the route.

(7) DELEGATION.—The Administrator may delegate the authority to designate authorized commercial routes under this subsection to a State, local, or Tribal government that has entered into an agreement with the Administrator under section 8 with respect to an area designated as complex airspace.

(d) RULES OF CONSTRUCTION.—

(1) SIGNIFICANT SAFETY HAZARD.—Nothing in this section may be construed to permit a State, local, or Tribal government to issue restrictions, or a combination of restrictions, that would create a significant safety hazard in the navigable airspace, airport operations, air navigation facilities, air traffic control systems, or other components of the national airspace system that facilitate the safe and efficient operation of civil, commercial, or military aircraft within the United States.

(2) CAUSE OF ACTION.—Nothing in this section may be construed to prohibit a property owner or the owner of a structure with a height that exceeds 200 feet above ground level from pursuing any available cause of action under State law related to unmanned aircraft operations above 200 feet above ground level.

**SEC. 5. PRESERVATION OF LOCAL ZONING AUTHORITY FOR UNMANNED AIRCRAFT TAKE-OFF AND LANDING ZONES.**

(a) GENERAL AUTHORITY.—Subject to the succeeding provisions of this section, nothing in this Act shall limit or affect the authority of a State, local, or Tribal government over decisions regarding the designation, placement, construction, or modification of an unmanned aircraft take-off and landing zone.

(b) NONDISCRIMINATION.—The regulation of the designation, placement, construction, or modification of an unmanned aircraft take-off and landing zone by any State, local, or Tribal government may not—

(1) unreasonably discriminate among commercial operators of unmanned aircraft systems; or

(2) prohibit, or have the effect of prohibiting, a commercial operator from operating an unmanned aircraft system.

(c) APPLICATIONS.—

(1) REQUIREMENT TO ACT.—

(A) IN GENERAL.—A State, local, or Tribal government shall act on any complete application for authorization to designate, place, construct, or modify an unmanned aircraft take-off and landing zone within 60 days of receiving such application.

(B) DENIAL.—If a State, local, or Tribal government denies an application for the designation, placement, construction, or modification of an unmanned aircraft take-off and landing zone, the State, local, or Tribal government shall, not later than 30 days after denying the application, submit to the commercial operator a written record that details—

(i) the findings and substantial evidence that serves as the basis for denying the application; and

(ii) recommendations for how the commercial operator can address the reasons for the application's denial.

(2) FEES.—Notwithstanding any other provision of law, a State, local, or Tribal government may charge a fee to consider an application for the designation, placement, construction, or modification of an unmanned aircraft take-off and landing zone, or to use a right-of-way or a facility in a right-of-way owned or managed by the State, local, or Tribal government for the designation, placement, construction, or modification of an unmanned aircraft take-off and landing zone, if the fee is—

(A) competitively neutral, technologically neutral, and nondiscriminatory; and

(B) publicly disclosed.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent any State, local, or Tribal government from imposing any additional limitation or requirement relating to consideration by the State, local, or Tribal government of an application for the designation, placement, construction, or modification of an unmanned aircraft take-off and landing zone.

(d) JUDICIAL REVIEW.—Any person adversely affected by any final action or failure to act by a State, local, or Tribal government that is inconsistent with this section may, within 30 days after the action or failure to act, commence an action in any court of competent jurisdiction, which shall hear and decide the action on an expedited basis.

(e) EFFECTIVE DATE.—The provisions of this section shall take effect on the day that is 180 days after the final rule under section 3(d) is issued.

**SEC. 6. RIGHTS TO OPERATE.**

(a) PROHIBITION.—

(1) IN GENERAL.—Subject to subsection (b), a State, local, or Tribal government may not adopt, maintain, or enforce any law, rule, or standard that unreasonably or substantially impedes—

(A) the ascent or descent of an unmanned aircraft system, operated by a commercial operator, to or from the navigable airspace in the furtherance of a commercial activity; or

(B) a civil unmanned aircraft from reaching navigable airspace where operations are permitted.

(2) UNREASONABLE OR SUBSTANTIAL IMPEDIMENT.—For purposes of paragraph (1), an unreasonable or substantial impediment with respect to civil unmanned aircraft includes—

(A) a complete and total ban on overflights of civil unmanned aircraft over the entirety of airspace within a State, local, or Tribal government's jurisdiction; and

(B) a combination of prohibitions or restrictions on overflights within airspace under a State, local, or Tribal government's jurisdiction such that it is nearly impossible for civil unmanned aircraft to reach the navigable airspace.

(b) RULES OF CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit a State, local, or Tribal government from—

(1) adopting, maintaining, or enforcing laws, rules, or standards that regulate unmanned aircraft systems below 200 feet above ground level; or

(2) prescribing emergency procedures for a civil unmanned aircraft system descending into an area 200 feet above ground level.

**SEC. 7. UPDATES TO RULES REGARDING THE COMMERCIAL CARRIAGE OF PROPERTY.**

(a) IMPROVING REGULATIONS.—Section 44808 of title 49, United States Code, is amended—

(1) by redesignating subsection (b)(5) as subsection (c), and indenting appropriately;

(2) by redesignating subparagraphs (A), (B), and (C) of subsection (c), as redesignated by paragraph (1), as paragraphs (1), (2), and (3), respectively, and indenting appropriately;

(3) by redesignating subsection (b)(6) as subsection (d), and indenting appropriately; and

(4) in subsection (b), as previously amended, by adding at the end the following new paragraphs:

''(5) Ensure that the provision of section 41713 shall not apply to the carriage of property by operators of small unmanned aircraft systems.

''(6) Ensure that an operator of a small unmanned aircraft system is not required to comply with any rules approved under this section if the operator is operating solely under a State authorization for the intrastate carriage of property for compensation or hire.

''(7) Ensure that the costs necessary to receive such an authorization are minimal so as to protect competition between market participants.

''(8) A streamlined application process that only contains requirements minimally necessary for safe operation and substantially outweigh the compliance costs for an applicant.''.

(b) CLARIFICATION REGARDING PREEMPTION.—Section 41713(b) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(5) NOT APPLICABLE TO THE OPERATION OF A CIVIL UNMANNED AIRCRAFT SYSTEM.—Paragraphs (1) and (4) shall not apply to the operation of a civil unmanned aircraft system.''.

(c) EXCLUSION FROM DEFINITION OF AIR CARRIER.—Section 40102(2) of title 49, United States Code, is amended by inserting ''(but does not include an operator of civil unmanned aircraft systems)'' before the period at the end.

(d) STATE AUTHORIZATION FOR THE INTRASTATE CARRIAGE OF PROPERTY.—A State may not be prohibited from issuing an authorization (and the Federal Government may not require a Federal authorization) for the carriage of property by a commercial operator of a civil unmanned aircraft that is operating in intrastate commerce if the civil unmanned aircraft is only authorized by the State to operate—

(1) within the immediate reaches of airspace; and

(2) within the lateral boundaries of the State.

**SEC. 8. DESIGNATION OF CERTAIN COMPLEX AIRSPACE.**

(a) PROCESS FOR DESIGNATION.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall establish a process under which a State, local, or Tribal government may submit an application to the Administrator (in a form and manner determined appropriate by the Administrator) for the designation of an area as an area of ''complex airspace.'' Such process shall allow for individual or collective designations.

(2) TIMEFRAME FOR DECISION.—Under the process established under paragraph (1), the Administrator shall approve or disapprove a complete application for designation within 90 days of receiving the application.

(3) REVIEW OF APPLICATION.—In reviewing an application for a designation under this section, the Administrator may deny the request if the State, local, or Tribal government does not have—

(A) the financial resources to carry out the authority to be granted under the designation; or

(B) the technological capabilities necessary to carry out the authority granted to the State under the designation.

(4) DENIAL OF APPLICATION.—If the Administrator denies an application for a designation under this section, the Administrator shall provide the State, local, or Tribal government with—

(A) a detailed description of the reasons for the denial; and

(B) recommendations for changes that the State can make to correct the deficiencies in their application.

(5) APPROVAL OF APPLICATION.—If the Administrator approves an application for a designation under this section, the Administrator shall, upon the request of the State, local, or Tribal government, enter into a written agreement with the State, local, or Tribal government (which may be in the form of a memorandum of understanding) under which the Administrator may assign, and the State, local, or Tribal government may assume, one or more of the responsibilities of the Administrator with respect to the management of civil unmanned aircraft operations within the area that has been so designated.

(b) AGREEMENTS.—

(1) STATE, LOCAL, OR TRIBAL GOVERNMENT RESPONSIBILITIES UNDER AGREEMENT.—If a State, local, or Tribal government enters into an agreement with the Administrator under subsection (a)(5), the State, local, or Tribal government shall be solely responsible, and solely liable, for carrying out the responsibilities assumed in the agreement until the agreement is terminated.

(2) TERMINATION BY STATE, LOCAL, OR TRIBAL GOVERNMENT.—A State, local, or Tribal government may terminate an agreement with the Administrator under subsection (a)(5) if the State, local, or Tribal government provides the Administrator 90 days of notice.

(3) TERMINATION BY ADMINISTRATOR.—The Administrator may terminate an agreement with a State, local, or Tribal government under subsection (a)(5) if—

(A) the Administrator determines that the State, local, or Tribal government is not adequately carrying out the responsibilities assigned under the agreement; and

(B) the Administrator provides the State, local, or Tribal government with—

(i) written notification of a determination of noncompliance with the responsibilities assigned under the agreement; and

(ii) a period of not less than 180 days for the State, local, or Tribal government to take such corrective actions as the Administrator determines necessary to comply with the responsibilities assigned under the agreement.

(c) COMPLEX AIRSPACE DEFINED.—In this section, the term ''complex airspace'' means an area of airspace that—

(1) is at least 200 feet above ground level; and

(2) includes one or more structures that have a height that exceeds 200 feet above ground level.

**SEC. 9. IMPROVEMENTS TO PLAN FOR FULL OPERATIONAL CAPABILITY OF UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT.**

Section 376 of the FAA Reauthorization Act of 2018 (Public Law 115–254) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(4) Permit the testing of a State, local, or Tribal government's time, place, and manner restrictions within the immediate reaches of airspace (as defined in section 2 of the Drone Integration and Zoning Act).'';

(2) in subsection (c)—

(A) in paragraph (2), by striking ''industry and government'' and inserting ''industry, the Federal Government, and State, local, or Tribal governments'';

(B) in paragraph (3)(G), by striking ''and'' at the end;

(C) in paragraph (4)(C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following new paragraphs:

''(5) establish a plan for collaboration and coordination with a State, local, or Tribal government's management of unmanned aircraft systems within the immediate reaches of airspace (as defined in section 2 of the Drone Integration and Zoning Act); and

''(6) establish a process for the interoperability and sharing of data between Federal Government, State, local, or Tribal government, and private sector UTM services.'';

(3) in subsection (d)—

(A) in paragraph (2)(J), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(4) shall consult with State, local, and Tribal governments.''; and

(4) in subsection (g), by inserting ''and State, local, and Tribal governments'' after ''Federal agencies''.

**SEC. 10. UPDATES TO RULES REGARDING SMALL UNMANNED AIRCRAFT SAFETY STANDARDS.**

Section 44805 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) ensuring that no State is prohibited from requiring additional equipage for a small unmanned aircraft system so long as such small unmanned aircraft system is solely authorized to operate in the immediate reaches of airspace (as defined in section 2 of the Drone Integration and Zoning Act) and the lateral boundaries of a State.'';

(2) in subsection (e), in the matter preceding paragraph (1), by striking ''may'' and inserting ''shall'';

(3) in subsection (j), by striking ''may'' and inserting ''shall''; and

(4) by adding at the end the following new subsection:

''(k) REQUIREMENTS FOR ACCEPTING RISK-BASED CONSENSUS SAFETY STANDARDS.—

''(1) COST-BENEFIT ANALYSIS.—The Administrator shall not accept a risk-based consensus safety standard under subsection (a)(1) unless the Administrator has first conducted a cost-benefit analysis and certified that the benefit of the safety standard substantially outweighs the costs to the manufacturer and consumer.

''(2) MUST BE ESSENTIAL.—The Administrator shall not accept a risk-based consensus safety standard under subsection (a)(1) unless the Administrator determines that the safety standard is essential for small unmanned aircraft systems to operate safely in the Unmanned Traffic Management (UTM) System.''.

**SEC. 11. RULES OF CONSTRUCTION.**

(a) IN GENERAL.—Subject to subsection (b), nothing in this Act may be construed to—

(1) diminish or expand the preemptive effect of the authority of the Federal Aviation Administration with respect to manned aviation; or

(2) affect the civil or criminal jurisdiction of—

(A) any Indian Tribe relative to any State or local government; or

(B) any State or local government relative to any Indian Tribe.

(b) ENFORCEMENT ACTIONS.—Nothing in subsection (a) may be construed to limit the authority of the Administrator to pursue enforcement actions against persons operating civil unmanned aircraft systems who endanger the safety of the navigable airspace, airport operations, air navigation facilities, air traffic control systems, or other components of the national airspace system that facilitate the safe and efficient operation of civil, commercial, or military aircraft within the United States.

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**SA 2270.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division D, add the following:

**SEC. 408_____. APPLICATION OF STATE LAW APPLICABLE TO THE USE OF MOTOR VEHICLES ON ROADS WITHIN A UNIT OF THE NATIONAL PARK SYSTEM.**

(a) IN GENERAL.—Subchapter II of chapter 1015 of title 54, United States Code, is amended by adding at the end the following:

**''§ 101513. State law**

''(a) DEFINITIONS.—In this section:

''(1) OFF-HIGHWAY VEHICLE.—The term 'off-highway vehicle' shall be defined by the State in which the applicable System unit is located, in accordance with the law of the State.

''(2) ROAD.—The term 'road' means the main-traveled surface of a roadway open to motor vehicles that is owned, controlled, or otherwise administered by the Service.

''(b) APPLICABLE LAW.—The law of the State in which a System unit is located shall apply to the use of motor vehicles (including off-highway vehicles) on roads within a System unit.

''(c) VIOLATIONS.—Violating a provision of State law applicable to a System unit under subsection (b) shall be prohibited in the applicable System unit.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 1015 of title 54, United States Code, is amended by adding at the end the following:

''101513. State law.''.

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**SA 2271.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. RESERVATION OF WATER RIGHTS AT NATIONAL MONUMENTS.**

Section 320301 of title 54, United States Code, is amended by adding at the end the following:

''(e) WATER RIGHTS.—

''(1) NO RESERVATION OF WATER RIGHTS.—In designating a national monument under subsection (a), the President may not reserve any implied or expressed water rights associated with the national monument.

''(2) APPLICABLE LAW.—Water rights associated with a national monument designated under subsection (a) may be acquired for the national monument only in accordance with the laws of the State in which the water rights are located.''.

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**SA 2272.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XI of division D.

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**SA 2273.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. NEPA REVIEW OF GEOTHERMAL EXPLORATION OR DEVELOPMENT ACTIVITIES.**

(a) IN GENERAL.—Section 390(b) of the Energy Policy Act of 2005 (42 U.S.C. 15942(b)) is amended by adding at the end the following:

''(6) Conversion of an oil or gas well to a geothermal well.''.

(b) GEOTHERMAL STEAM ACT OF 1970.—The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

**''SEC. 30. NEPA REVIEW OF GEOTHERMAL EXPLORATION OR DEVELOPMENT ACTIVITIES.**

''(a) IN GENERAL.—Action by the Secretary in managing land subject to geothermal leasing under this Act with respect to any of the activities described in subsection (b) shall be subject to a rebuttable presumption that the use of a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (referred to in this section as 'NEPA') would apply if the activity is conducted pursuant to this Act for the purpose of exploration or development of geothermal resources.

''(b) ACTIVITIES DESCRIBED.—The activities referred to in subsection (a) are the following:

''(1) Individual surface disturbances of less than 5 acres, on the condition that—

''(A) the total surface disturbance on the lease is not greater than 150 acres; and

''(B) site-specific analysis in a document prepared pursuant to NEPA has been previously completed.

''(2) Drilling a geothermal well at a location or well pad site at which drilling has occurred during the 5-year period preceding the date of spudding the well.

''(3) Drilling a geothermal well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed the drilling as a reasonably foreseeable activity, on the condition that the land use plan or environmental document was approved during the 5-year period preceding the date of spudding the well.

''(4) Placement of a pipeline or transmission line in an approved right-of-way corridor, on the condition that the corridor was approved during the 5-year period preceding the date of placement of the pipeline or transmission line.

''(5) Maintenance of a minor activity, other than any construction or major renovation of a building or facility.

''(6) Conversion of an oil or gas well to a geothermal well.''.

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**SA 2274.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40102 of subtitle A of title I of division D, strike ''Section 404(f)(12)'' and insert the following:

(a) IN GENERAL.—Section 404(f)(12)

In section 40102 of subtitle A of title I of division D, add at the end the following:

(b) CATEGORICAL EXCLUSION.—Directional drilling for the undergrounding of wires shall be considered to be an action categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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**SA 2275.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 40206 and insert the following:

**SEC. 40206. NATIONAL ENVIRONMENTAL POLICY ACT TIMELINES FOR PROJECTS FOR CRITICAL MINERAL EXTRACTION, RECOVERY, AND DEVELOPMENT.**

Title I of the National Environmental Policy Act of 1969 is amended—

(1) by redesignating section 105 (42 U.S.C. 4335) as section 106; and

(2) by inserting after section 104 (42 U.S.C. 4334) the following:

**''SEC. 105. APPLICABLE TIMELINES FOR PROJECTS FOR CRITICAL MINERAL EXTRACTION, RECOVERY, AND DEVELOPMENT.**

''(a) DEFINITIONS.—In this section:

''(1) COVERED PROJECT.—The term 'covered project' means a proposed action that is a project for critical mineral extraction, recovery, or development.

''(2) CRITICAL MINERAL.—The term 'critical mineral' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

''(3) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed statement required under section 102(2)(C).

''(4) FEDERAL AGENCY.—The term 'Federal agency' includes a State that has assumed responsibility under section 327 of title 23, United States Code.

''(5) HEAD OF A FEDERAL AGENCY.—The term 'head of a Federal agency' includes the governor or head of an applicable State agency of a State that has assumed responsibility under section 327 of title 23, United States Code.

''(6) NEPA PROCESS.—

''(A) IN GENERAL.—The term 'NEPA process' means the entirety of every process, analysis, or other measure, including an environmental impact statement, required to be carried out by a Federal agency under this title before the agency undertakes a covered project.

''(B) PERIOD.—For purposes of subparagraph (A), the NEPA process—

''(i) begins on the date on which the head of a Federal agency receives an application for a covered project from a project sponsor; and

''(ii) ends on the date on which the Federal agency issues, with respect to the covered project—

''(I) a record of decision, including, if necessary, a revised record of decision;

''(II) a finding of no significant impact; or

''(III) a categorical exclusion under this title.

''(7) PROJECT SPONSOR.—The term 'project sponsor' means a Federal agency or other entity, including a private or public-private entity, that seeks approval of a covered project.

''(b) APPLICABLE TIMELINES.—

''(1) NEPA PROCESS.—

''(A) IN GENERAL.—The head of a Federal agency shall complete the NEPA process for a covered project under the jurisdiction of the Federal agency, as described in subsection (a)(6)(B)(ii), not later than 2 years after the date described in subsection (a)(6)(B)(i).

''(B) ENVIRONMENTAL DOCUMENTS.—Within the period described in subparagraph (A), not later than 1 year after the date described in subsection (a)(6)(B)(i), the head of the Federal agency shall, with respect to the covered project—

''(i) issue—

''(I) a finding that a categorical exclusion applies to the covered project; or

''(II) a finding of no significant impact; or

''(ii) publish a notice of intent to prepare an environmental impact statement in the Federal Register.

''(C) ENVIRONMENTAL IMPACT STATEMENT.—If the head of a Federal agency publishes a notice of intent described in subparagraph (B)(ii), within the period described in subparagraph (A) and not later than 1 year after the date on which the head of the Federal agency publishes the notice of intent, the head of the Federal agency shall complete the environmental impact statement and, if necessary, any supplemental environmental impact statement for the covered project.

''(2) AUTHORIZATIONS AND PERMITS.—

''(A) IN GENERAL.—Not later than 90 days after the date described in subsection (a)(4)(B)(ii), the head of a Federal agency shall issue—

''(i) any necessary permit or authorization to carry out the covered project; or

''(ii) a denial of the permit or authorization necessary to carry out the covered project.

''(B) EFFECT OF FAILURE TO ISSUE AUTHORIZATION OR PERMIT.—If a permit or authorization described in subparagraph (A) is not issued or denied within the period described in that subparagraph, the permit or authorization shall be considered to be approved.

''(C) DENIAL OF PERMIT OR AUTHORIZATION.—

''(i) IN GENERAL.—If a permit or authorization described in subparagraph (A) is denied, the head of the Federal agency shall describe to the project sponsor—

''(I) the basis of the denial; and

''(II) recommendations for the project sponsor with respect to how to address the reasons for the denial.

''(ii) RECOMMENDED CHANGES.—If the project sponsor carries out the recommendations of the head of the Federal agency under clause (i)(II) and notifies the head of the Federal agency that the recommendations have been carried out, the head of the Federal agency—

''(I) shall decide whether to issue the permit or authorization described in subparagraph (A) not later than 90 days after the date on which the project sponsor submitted the notification; and

''(II) shall not carry out the NEPA process with respect to the covered project again.''.

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**SA 2276.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 999B of the Energy Policy Act of 2005 (as added by section 40304(a)), strike subsection (e).

In section 999B of the Energy Policy Act of 2005 (as added by section 40304(a)), redesignate subsections (f) and (g) as subsections (e) and (f), respectively.

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**SA 2277.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40201(e), strike paragraph (3) and insert the following:

(3) PRIORITIES.—In carrying out paragraph (1), the Initiative shall prioritize—

(A) with regard to minerals, mineralization, and mineral deposits, mapping and assessing critical minerals; and

(B) mapping and the review of data relating to land that is subject to an administrative withdrawal from mineral development.

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**SA 2278.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 40105 of subtitle A of title I of division D.

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**SA 2279.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division E, add the following:

**TITLE _____—PROJECT DELIVERY PROGRAM FOR WATER STORAGE INFRASTRUCTURE PROJECTS**

**SEC. _____. PROJECT DELIVERY PROGRAM FOR WATER STORAGE INFRASTRUCTURE PROJECTS.**

Title I of the National Environmental Policy Act of 1969 is amended—

(1) by redesignating section 105 (42 U.S.C. 4335) as section 106; and

(2) by inserting after section 104 (42 U.S.C. 4334) the following:

**''SEC. 105. PROJECT DELIVERY PROGRAM FOR WATER STORAGE INFRASTRUCTURE PROJECTS.**

''(a) DEFINITIONS.—In this section:

''(1) AGENCY PROGRAM.—The term 'agency program' means a project delivery program established by the Secretary under subsection (b)(1).

''(2) COVERED PROJECT.—The term 'covered project' means a water storage infrastructure project that includes related transmission infrastructure and other associated infrastructure components.

''(3) DEPARTMENT.—The term 'Department' means the Department of the Interior.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall carry out a project delivery program for covered projects.

''(2) ASSUMPTION OF RESPONSIBILITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall, on request of a State, enter into a written agreement with the State, which may be in the form of a memorandum of understanding, in which the Secretary may assign, and the State may assume, the responsibilities of the Secretary under this title with respect to 1 or more covered projects within the State that are under the jurisdiction of the Department.

''(B) EXCEPTION.—The Secretary shall not enter into a written agreement under subparagraph (A) if the Secretary determines that the State is not in compliance with the requirements described in subsection (c)(4).

''(C) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

''(i) the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific covered project;

''(ii) at the request of the State, the Secretary may also assign to the State, and the State may assume, the responsibilities of the Secretary under this title with respect to 1 or more covered projects within the State that are under the jurisdiction of the Department; but

''(iii) the Secretary may not assign responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506).

''(D) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Department.

''(E) FEDERAL RESPONSIBILITY.—Any responsibility of the Department not explicitly assumed by the State by written agreement under subparagraph (A) shall remain the responsibility of the Department.

''(F) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than Department, under applicable law (including regulations) with respect to a covered project.

''(G) PRESERVATION OF FLEXIBILITY.—The Secretary may not require a State, as a condition of participation in the agency program of the Department, to forego project delivery methods that are otherwise permissible for covered projects under applicable law.

''(H) LEGAL FEES.—A State assuming the responsibilities of the Department under this section for a specific covered project may use funds awarded to the State for that

project for attorneys' fees directly attributable to eligible activities associated with the covered project.

''(c) STATE PARTICIPATION.—

''(1) PARTICIPATING STATES.—Except as provided in subsection (b)(2)(B), all States are eligible to participate in an agency program.

''(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the Secretary shall amend, as appropriate, regulations that establish requirements relating to information required to be contained in any application of a State to participate in the agency program, including, at a minimum—

''(A) the covered projects or classes of covered projects for which the State anticipates exercising the authority that may be granted under the agency program;

''(B) verification of the financial resources necessary to carry out the authority that may be granted under the agency program; and

''(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the agency program, including copies of comments received from that solicitation.

''(3) PUBLIC NOTICE.—

''(A) IN GENERAL.—Each State that submits an application under this subsection shall give notice of the intent of the State to participate in an agency program not later than 30 days before the date of submission of the application.

''(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice law of the State.

''(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under this section only if—

''(A) the regulatory requirements under paragraph (2) have been met;

''(B) the Secretary determines that the State has the capability, including financial and personnel, to assume the responsibility; and

''(C) the Secretary having primary jurisdiction over the covered project enters into a written agreement with the Secretary as described in subsection (d).

''(5) OTHER FEDERAL AGENCY VIEWS.—If a State applies to assume a responsibility of the Department that would have required the Secretary to consult with the head of another Federal agency, the Secretary shall solicit the views of the head of the other Federal agency before approving the application.

''(d) WRITTEN AGREEMENT.—A written agreement under subsection (b)(2)(A) shall—

''(1) be executed by the Governor or the top-ranking official in the State who is charged with responsibility for the covered project;

''(2) be in such form as the Secretary may prescribe;

''(3) provide that the State—

''(A) agrees to assume all or part of the responsibilities of the Department described in subparagraphs (A) and (C) of subsection (b)(2);

''(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Department assumed by the State;

''(C) certifies that State laws (including regulations) are in effect that—

''(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

''(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

''(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

''(4) require the State to provide to the Secretary any information the Secretary reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

''(5) have a term of not more than 5 years; and

''(6) be renewable.

''(e) JURISDICTION.—

''(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State for failure to carry out any responsibility of the State under this section.

''(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

''(3) INTERVENTION.—The Secretary shall have the right to intervene in any action described in paragraph (1).

''(f) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State that assumes responsibility under subsection (b)(2) shall be solely responsible and solely liable for carrying out, in lieu of and without further approval of the Secretary, the responsibilities assumed under subsection (b)(2), until the agency program is terminated under subsection (k).

''(g) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary under any Federal law.

''(h) AUDITS.—

''(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (d) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (b)(2)), for each State participating in an agency program, the Secretary shall—

''(A) not later than 180 days after the date of execution of the agreement, meet with the State to review implementation of the agreement and discuss plans for the first annual audit;

''(B) conduct annual audits during each of the first 4 years of State participation; and

''(C) ensure that the time period for completing an annual audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.

''(2) PUBLIC AVAILABILITY AND COMMENT.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

''(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the Secretary shall respond to public comments received under subparagraph (A).

''(3) AUDIT TEAM.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the Secretary, in consultation with the State, in accordance with subparagraph (B).

''(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review and provide comments on the proposed members of the audit team.

''(i) MONITORING.—After the fourth year of the participation of a State in an agency program, the Secretary shall monitor compliance by the State with the written agreement, including the provision by the State of financial resources to carry out the written agreement.

''(j) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report that describes the administration of the agency program.

''(k) TERMINATION.—

''(1) TERMINATION BY DEPARTMENT.—The Secretary may terminate the participation of any State in the agency program of the Department if—

''(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

''(B) the Secretary provides to the State—

''(i) a notification of the determination of noncompliance;

''(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.

''(2) TERMINATION BY THE STATE.—A State may terminate the participation of the State in an agency program at any time by providing to the Secretary a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the Secretary may provide.

''(l) CAPACITY BUILDING.—The Secretary, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

''(1) to assist States in developing the capacity to participate in the agency program of the Department; and

''(2) to promote information sharing and collaboration among States that are participating in the agency program of the Department.

''(m) RELATIONSHIP TO LOCALLY ADMINISTERED COVERED PROJECTS.—A State granted authority under an agency program may, as appropriate and at the request of a local government—

''(1) exercise that authority on behalf of the local government for a locally administered covered project; or

''(2) provide guidance and training on consolidating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered covered project to comply with this title and any comparable requirements under State law.''.

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**SA 2280.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. DROUGHT AS AN ELIGIBLE CAUSE OF LOSS UNDER THE LIVESTOCK INDEMNITY PROGRAM.**

Section 1501(b)(1)(B) of the Agricultural Act of 2014 (7 U.S.C. 9081(b)(1)(B)) is amended by inserting ''drought,'' after ''extreme heat,''.

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**SA 2281.** Mr. DAINES submitted an amendment intended to be proposed to

amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

**SEC. _____. COVERED PROJECTS UNDER TITLE XLI OF THE FAST ACT.**

Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended, in the matter preceding clause (i), by inserting ''critical minerals production,'' before ''or any other sector''.

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**SA 2282.** Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

**SEC. _____. REPORTS.**

The ACCESS BROADBAND Act (section 903 of division FF of Public Law 116–260) is amended—

(1) in subsection (c)(2), by striking subparagraph (C);

(2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(3) by inserting after subsection (f) the following:

''(g) REPORTS.—

''(1) OFFICE REPORTS.—

''(A) ANNUAL REPORT ON TRACKING OF FEDERAL DOLLARS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Office shall make public on the website of the Office and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the following, with respect to the year covered by the report:

''(i) The number of households, businesses, and other institutions in the United States that received broadband as the result of Federal broadband support programs and the Universal Service Fund Programs.

''(ii) A description of how many households, businesses, and other institutions in the United States were provided broadband by which universal service mechanism or which Federal broadband support program.

''(B) RETROSPECTIVE REPORT.—Not later than 1 year after the date of enactment of this Act, the Office shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Comptroller General of the United States a report that—

''(i) details, for fiscal years 2011 through 2021, the total amount of support provided under Federal broadband support programs and the Universal Service Fund programs, which shall include specificity regarding—

''(I) for that period, how much support has been provided under each Federal broadband support program and each Universal Service Fund Program; and

''(II) the program standards with respect to each Federal broadband support program and each Universal Service Fund Program; and

''(ii) with respect to the copy of the report submitted to the Comptroller General of the United States, in order to facilitate the report required under paragraph (2), includes an appendix containing detailed information for, during the period described in clause (i), each award, grant, project, loan, or other funding mechanism under each Federal broadband support program and each Universal Service Fund Program.

''(2) GAO REPORT.—Not later than 18 months after the date on which the Office submits the report required under paragraph (1)(B), the Comptroller General of the United States shall, to the extent possible in consideration of the information made available by the Office under paragraph (1) (and by other Federal agencies with respect to other reports required to be submitted or published by the Comptroller General), submit to Congress a report that examines all Federal broadband support programs and Universal Service Fund Programs, which shall address the following:

''(A) The direct impact that funding Federal broadband support programs and Universal Service Fund Programs has had on increases in broadband access.

''(B) The relationship between—

''(i) the amount of funding made available to Federal broadband support programs and Universal Service Fund Programs; and

''(ii) the increase in the number of residences, businesses, and other institutions in the United States that have access to broadband.

''(C) With respect to support provided under Federal broadband support programs and Universal Service Fund Programs during the period described in paragraph (1)(B), the amount of that support that was used to upgrade existing broadband service, as compared to the amount of that support that was used to provide new broadband service.

''(D) The extent to which support is distributed under Federal broadband support programs and Universal Service Fund Programs in rural areas and urban areas, as those terms are defined by the Department of Agriculture.

''(E) The extent to which any support provided under any Federal broadband support program or Universal Service Fund Program has been used to overbuild an area that—

''(i) already has access to broadband; or

''(ii) has received support for broadband deployment under another Federal broadband support program or Universal Service Fund Program.''.

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**SA 2283.** Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

**SEC. 90_____. OIL AND NATURAL GAS AND WIND LEASING.**

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall immediately resume oil and gas lease sales in compliance with the preliminary injunction of the United States District Court for the Western District of Louisiana in State of Louisiana v. Joseph R. Biden, Jr., No. 2:21–CV–00778 (W.D. La.).

(b) OFFSHORE LEASING.—

(1) GULF OF MEXICO REGION ANNUAL LEASE SALES.—Notwithstanding any other provision of law, beginning in fiscal year 2022, the Secretary shall hold a minimum of 2 region-wide oil and natural gas lease sales annually in the Gulf of Mexico Region of the outer Continental Shelf, each of which shall include areas in—

(A) the Central Gulf of Mexico Planning Area; and

(B) the Western Gulf of Mexico Planning Area.

(2) ALASKA REGION ANNUAL LEASE SALES.—Notwithstanding any other provision of law, beginning in fiscal year 2022, the Secretary shall hold a minimum of 2 region-wide oil and natural gas lease sales annually in the Alaska Region of the outer Continental Shelf, as described the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016).

(3) ATLANTIC REGION AND PACIFIC REGION ANNUAL LEASE SALES.—The Secretary shall immediately review and make proposals for the offshore wind leasing program for the Atlantic and Pacific Regions of the outer Continental Shelf in order to reach the goal of holding a minimum of 2 region-wide wind lease sales annually in each of the Atlantic and Pacific Regions of the outer Continental Shelf.

(c) ONSHORE LEASE SALES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.), beginning in fiscal year 2022, the Secretary shall hold a minimum of 4 oil and natural gas lease sales annually in each of the following States:

(A) Wyoming.
(B) New Mexico.
(C) Colorado.
(D) Utah.
(E) Montana.
(F) North Dakota.
(G) Oklahoma.
(H) Nevada.

(2) REQUIREMENT.—In holding a lease sale under paragraph (1) in a State described in that paragraph, the Secretary shall offer all parcels eligible for oil and gas development under the resource management plan in effect for the State.

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**SA 2284.** Mr. REED submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, strike line 13 and insert the following:

(1) in subsection (b)—

(A) by striking ''(b) The geometric'' and inserting the following:

''(b) DESIGN CRITERIA FOR THE INTERSTATE SYSTEM.—The geometric''; and

(B) in the second sentence, by striking ''the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by the Secretary, under section 106 of this title, of the plans, specifications, and estimates for

actual construction of such project'' and inserting ''the existing and future operational performance of the facility'';

(2) in subsection (d)—

On page 202, line 5, strike ''(2)'' and insert ''(3)''.

On page 202, line 23, strike ''(3)'' and insert ''(4)''.

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**SA 2285.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division C, insert the following:

**SEC. 3_____. PROHIBITION ON USE OF FUNDS TO PURCHASE ZERO EMISSIONS OR LOW EMISSIONS BUSES OR FERRIES MANUFACTURED IN THE PEOPLE'S REPUBLIC OF CHINA.**

Notwithstanding any other provision of law, none of the amounts made available under this Act (including any division of this Act) may be used to purchase a zero emissions bus, low emissions bus, zero emissions ferry, or low emissions ferry that is manufactured in, or the components of which are manufactured in, the People's Republic of China.

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**SA 2286.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 90001 and insert the following:

**SEC. 90001. EXTENSION OF DIRECT SPENDING REDUCTIONS THROUGH FISCAL YEAR 2031.**

Section 251A(6)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended, in the matter preceding clause (i), by striking ''2030'' and inserting ''2031''.

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**SA 2287.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PROHIBITION ON FEDERAL PURCHASE OF ZERO EMISSIONS VEHICLES MANUFACTURED IN THE PEOPLE'S REPUBLIC OF CHINA.**

Notwithstanding any other provision of law, the Federal Government may not purchase any zero emissions vehicle that is manufactured in, or the components of which are manufactured in, the People's Republic of China.

**SA 2288.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division H, insert the following:

**SEC. _____. FEDERAL HIGHWAY USER FEE ON ALTERNATIVE FUEL VEHICLES.**

(a) IMPOSITION OF FEE.—

(1) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

**''CHAPTER 50A—ALTERNATIVE FUEL VEHICLE HIGHWAY USER FEE**

''Sec. 5000D. Alternative fuel vehicle highway user fee.

**''SEC. 5000D. ALTERNATIVE FUEL VEHICLE HIGHWAY USER FEE.**

''(a) IN GENERAL.—There is imposed a user fee on any alternative fuel vehicle used in the United States during the taxable year.

''(b) RATE OF FEE.—

''(1) IN GENERAL.—The fee imposed under subsection (a) with respect to any alternative fuel vehicle shall be the product of—

''(A) the average gallons of fuel consumption per vehicle for motor vehicles in the same category as such alternative fuel vehicle, multiplied by

''(B)(i) in the case of an alternative fuel vehicle in a category of vehicles which are ordinarily powered by gasoline, the rate of tax under section 4081(a)(2)(A)(i) in effect for the first day of the calendar year, and

''(ii) in the case of an alternative fuel vehicle in a category of vehicles which are ordinarily powered by diesel fuel, the rate of tax under section 4081(a)(2)(A)(iii) in effect for the first day of the calendar year.

''(2) CATEGORIES OF VEHICLES.—

''(A) IN GENERAL.—For purposes of this subsection, the Secretary, in consultation with the Secretary of Transportation, shall—

''(i) establish categories of similar motor vehicles for purposes of administering this section, and

''(ii) assign all motor vehicles that are commonly sold in the United States to one of the categories established under clause (i).

''(B) CRITERIA.—In establishing the categories under subparagraph (A)(i) and assigning motor vehicles to such categories under subparagraph (A)(ii), the Secretary shall consider—

''(i) gross vehicle weight rating,

''(ii) the number of wheels of the vehicle,

''(iii) the common use of the vehicle,

''(iv) whether comparable vehicles are ordinarily powered by gasoline or diesel fuel, and

''(v) such other factors as the Secretary, in consultation with the Secretary of Transportation, deems relevant.

''(3) AVERAGE GALLONS OF FUEL CONSUMPTION.—For purposes of this subsection, the average gallons of fuel consumption for each category of motor vehicles—

''(A) shall be determined by the Secretary, in consultation with the Secretary of Transportation, taking into account only the motor vehicles in such category that are not alternative fuel vehicles, and

''(B) shall be updated annually.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ALTERNATIVE FUEL VEHICLE.—

''(A) IN GENERAL.—The term 'alternative fuel vehicle' means any plug-in electric vehicle, any fuel cell electric vehicle, or any other alternative fuel vehicle.

''(B) PLUG-IN ELECTRIC VEHICLE.—The term 'plug-in electric vehicle' means a motor vehicle which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity.

''(C) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means a motor vehicle which is propelled to a significant extent by an electric motor which draws electricity from hydrogen converted to electricity by a fuel cell.

''(D) OTHER ALTERNATIVE FUEL VEHICLE.—The term 'other alternative fuel vehicle' means a motor vehicle (other than a plug-in electric vehicle or a fuel cell electric vehicle) which is propelled to a significant extent by an electric motor which draws power from any source that is not subject to tax under section 4041 or 4081 (determined without regard to any exemption for a specific use).

''(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails).

''(d) LIABILITY.—The fee imposed under this section shall be paid by the person who owns the alternative fuel vehicle.

''(e) ADMINISTRATION AND PROCEDURE.—

''(1) IN GENERAL.—The fee imposed under this section shall be paid upon notice and demand by the Secretary, and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in this title to 'tax' imposed by this title shall be deemed also to refer to the fee provided by this section.

''(2) TIME AT WHICH FEE COLLECTED.—Any fee due under this section shall be included with a taxpayer's return under chapter 1 for the taxable year.''.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''CHAPTER 50A—ALTERNATIVE FUEL VEHICLE HIGHWAY USER FEE''.

(b) TRANSFERS OF FEES TO HIGHWAY TRUST FUND.—Section 9503(b)(1) of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''and fees'' after ''the taxes'', and

(2) by striking ''and'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', and'', and by inserting after subparagraph (E) the following new subparagraph:

''(F) section 5000D (relating to alternative fuel vehicle highway user fee).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this section.

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**SA 2289.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division H, insert the following:

**SEC. ___. TERMINATION AND REPEAL OF CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.**

(a) TERMINATION.—Section 30D of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) TERMINATION.—Notwithstanding any of the preceding provisions of this section, this section shall not apply to vehicles placed in service after the date that is 30 days after the date of the enactment of this subsection.''.

(b) REPEAL.—

(1) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking section 30D (and by striking the item relating to such section in the table of sections for such subpart).

(2) CONFORMING AMENDMENTS.—

(A) Section 38(b) of the Internal Revenue Code of 1986 is amended by striking paragraph (30).

(B) Section 1016(a) of such Code is amended by striking paragraph (37).

(C) Section 6501(m) of such Code is amended by striking ''30D(e)(4),''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date that is 1 year and 30 days after the date of the enactment of this Act.

**SEC. ___. FEDERAL HIGHWAY USER FEE ON ALTERNATIVE FUEL VEHICLES.**

(a) IMPOSITION OF FEE.—

(1) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

**''CHAPTER 50A—ALTERNATIVE FUEL VEHICLE HIGHWAY USER FEE**

''Sec. 5000D. Alternative fuel vehicle highway user fee.

**''SEC. 5000D. ALTERNATIVE FUEL VEHICLE HIGHWAY USER FEE.**

''(a) IN GENERAL.—There is imposed a user fee on any alternative fuel vehicle used in the United States during the taxable year.

''(b) RATE OF FEE.—

''(1) IN GENERAL.—The fee imposed under subsection (a) with respect to any alternative fuel vehicle shall be the product of—

''(A) the average gallons of fuel consumption per vehicle for motor vehicles in the same category as such alternative fuel vehicle, multiplied by

''(B)(i) in the case of an alternative fuel vehicle in a category of vehicles which are ordinarily powered by gasoline, the rate of tax under section 4081(a)(2)(A)(i) in effect for the first day of the calendar year, and

''(ii) in the case of an alternative fuel vehicle in a category of vehicles which are ordinarily powered by diesel fuel, the rate of tax under section 4081(a)(2)(A)(iii) in effect for the first day of the calendar year.

''(2) CATEGORIES OF VEHICLES.—

''(A) IN GENERAL.—For purposes of this subsection, the Secretary, in consultation with the Secretary of Transportation, shall—

''(i) establish categories of similar motor vehicles for purposes of administering this section, and

''(ii) assign all motor vehicles that are commonly sold in the United States to one of the categories established under clause (i).

''(B) CRITERIA.—In establishing the categories under subparagraph (A)(i) and assigning motor vehicles to such categories under subparagraph (A)(ii), the Secretary shall consider—

''(i) gross vehicle weight rating,

''(ii) the number of wheels of the vehicle,

''(iii) the common use of the vehicle,

''(iv) whether comparable vehicles are ordinarily powered by gasoline or diesel fuel, and

''(v) such other factors as the Secretary, in consultation with the Secretary of Transportation, deems relevant.

''(3) AVERAGE GALLONS OF FUEL CONSUMPTION.—For purposes of this subsection, the average gallons of fuel consumption for each category of motor vehicles—

''(A) shall be determined by the Secretary, in consultation with the Secretary of Transportation, taking into account only the motor vehicles in such category that are not alternative fuel vehicles, and

''(B) shall be updated annually.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ALTERNATIVE FUEL VEHICLE.—

''(A) IN GENERAL.—The term 'alternative fuel vehicle' means any plug-in electric vehicle, any fuel cell electric vehicle, or any other alternative fuel vehicle.

''(B) PLUG-IN ELECTRIC VEHICLE.—The term 'plug-in electric vehicle' means a motor vehicle which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity.

''(C) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means a motor vehicle which is propelled to a significant extent by an electric motor which draws electricity from hydrogen converted to electricity by a fuel cell.

''(D) OTHER ALTERNATIVE FUEL VEHICLE.—The term 'other alternative fuel vehicle' means a motor vehicle (other than a plug-in electric vehicle or a fuel cell electric vehicle) which is propelled to a significant extent by an electric motor which draws power from any source that is not subject to tax under section 4041 or 4081 (determined without regard to any exemption for a specific use).

''(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails).

''(d) LIABILITY.—The fee imposed under this section shall be paid by the person who owns the alternative fuel vehicle.

''(e) ADMINISTRATION AND PROCEDURE.—

''(1) IN GENERAL.—The fee imposed under this section shall be paid upon notice and demand by the Secretary, and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in this title to 'tax' imposed by this title shall be deemed also to refer to the fee provided by this section.

''(2) TIME AT WHICH FEE COLLECTED.—Any fee due under this section shall be included with a taxpayer's return under chapter 1 for the taxable year.''.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''CHAPTER 50A—ALTERNATIVE FUEL VEHICLE HIGHWAY USER FEE''.

(b) TRANSFERS OF FEES TO HIGHWAY TRUST FUND.—Section 9503(b)(1) of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''and fees'' after ''the taxes'', and

(2) by striking ''and'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', and'', and by inserting after subparagraph (E) the following new subparagraph:

''(F) section 5000D (relating to alternative fuel vehicle highway user fee).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this section.

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**SA 2290.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division I, add the following:

**SEC. 9_____. RESCISSION.**

Notwithstanding any other provision of law, including any provision of any division of this Act or an amendment made by any division of this Act, of the amounts made available by the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4) (including any amendments made by that Act), except for amounts made available under subtitle D, E, F, G, or H of title II of that Act (or an amendment made by any such subtitle), and remaining unobligated on the date of enactment of this Act, an amount equal to the total amount authorized to be appropriated under this Act (including any amendments made by this Act) from the general fund of the Treasury (or, if the full amount is not unobligated on that date, the portion of that amount that remains unobligated) is rescinded.

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**SA 2291.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40107, strike subsection (b) and insert the following:

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary—

(1) to carry out the Smart Grid Investment Matching Grant Program established under section 1306(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386(a)) $1,500,000,000 for fiscal year 2022, to remain available through September 30, 2026; and

(2) to carry out a grant program to install ethanol blender pump infrastructure $1,500,000,000 for fiscal year 2022, to remain available through September 30, 2026.

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**SA 2292.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII of division D, insert the following:

**SEC. 412____. PROHIBITION ON FEES OR PENALTIES ON ENERGY FACILITIES.**

No Federal agency may impose any new fee or penalty on energy facilities if the imposition of the fee or penalty would result in

higher energy prices for taxpayers or small businesses in the United States.

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**SA 2293.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division B, add following:

**SEC. 25028. STUDY ON ELECTRIC VEHICLE EMISSIONS.**

The Secretary of Energy or a National Laboratory shall conduct a study on the emissions of the full lifecycle of an electric vehicle, from battery production to disposal, including—

(1) the emissions associated with the electricity generated to power the vehicle throughout its life;

(2) the critical minerals used in the batteries; and

(3) the mineral refining and transport.

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**SA 2294.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division B, add following:

**SEC. 25028. STUDY ON ELECTRIC VEHICLE EMISSIONS.**

The Secretary of Energy or a National Laboratory shall conduct a study on the emissions of the full lifecycle of an electric vehicle, from battery production to disposal, including—

(1) the emissions associated with the electricity generated to power the vehicle throughout its life;

(2) the critical minerals used in the batteries; and

(3) the mineral refining and transport.

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**SA 2295.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 502, between lines 12 and 13, insert the following:

**SEC. 12002. TIFIA NON-FEDERAL SHARE.**

Section 603(b) of title 23, United States Code, is amended by striking paragraph (8) and inserting the following:

''(8) NON-FEDERAL SHARE.—Notwithstanding paragraph (9) and section 117(j)(2), the proceeds of a secured loan under the TIFIA program shall be considered to be part of the non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.''.

Beginning on page 684, strike line 22 and all that follows through page 685, line 2, and insert the following:

''(n) NON-FEDERAL SHARE.—The proceeds of a secured loan provided under this section shall be considered to be part of the non-Federal share of project costs required under this title, if the loan is repayable from non-Federal funds.''.

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**SA 2296.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

**SEC. _____. TRANSPORTATION OF HORSES.**

Section 80502 of title 49, United States Code, is amended—

(1) in subsection (c), by striking ''This section does not'' and inserting ''Subsections (a) and (b) shall not'';

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following:

''(d) TRANSPORTATION OF EQUINES.—

''(1) DEFINITIONS.—In this subsection:

''(A) EQUINE.—The term 'equine' means any member of the Equidae family.

''(B) MOTOR VEHICLE.—

''(i) IN GENERAL.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways.

''(ii) EXCLUSION.—The term 'motor vehicle' does not include a vehicle operated exclusively on 1 or more rails.

''(C) STATE.—The term 'State' means—

''(i) a State;

''(ii) the District of Columbia; and

''(iii) a territory or possession of the United States.

''(2) PROHIBITION.—No person may transport, or cause to be transported, an equine from a place in a State through or to a place in another State or a place that is under the sovereignty of a government that is not the United States—

''(A) in a motor vehicle containing 2 or more levels stacked on top of each other; or

''(B) if the person has reason to believe that the equine may be slaughtered for human consumption.''; and

(4) in subsection (e) (as so redesignated)—

(A) in the second sentence, by striking ''On learning of a violation,'' and inserting the following:

''(3) CIVIL ACTION.—On learning of a violation of any provision of this section,'';

(B) in the first sentence—

(i) by striking ''this section'' and inserting ''subsection (a) or (b)''; and

(ii) by striking ''A rail carrier'' and inserting the following:

''(1) IN GENERAL.—A rail carrier''; and

(C) by inserting after paragraph (1) (as so designated) the following:

''(2) TRANSPORTATION OF EQUINES.—

''(A) IN GENERAL.—A person that knowingly violates subsection (d) is liable to the United States Government for a civil penalty of at least $100, but not more than $500, for each violation.

''(B) CLARIFICATION.—A separate violation of subsection (d) occurs for each equine that is transported, or caused to be transported, in violation of that subsection.

''(C) RELATIONSHIP TO OTHER LAWS.—A penalty imposed under subparagraph (A) shall be in addition to any penalty or remedy available under any other law.''.

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**SA 2297.** Mrs. BLACKBURN (for herself and Mr. HAGERTY) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 408, strike lines 18 and 19 and insert the following:

Union'';

(3) in subparagraph (K)—

(A) by inserting ''Hickman, Houston, Humphries,'' after ''Hawkins,''; and

(B) by inserting ''Perry,'' after ''Overton,''; and

(4) in subparagraph (M), by inserting '', of

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**SA 2298.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 40434 of division D, insert the following:

(c) REQUIREMENT.—If the report submitted under subsection (b)(2) contains findings that state that the cancellation of the permit for the Keystone XL Pipeline resulted in numerous job losses and an impact on consumer energy costs, the President shall revoke the Executive Order.

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**SA 2299.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2437, between lines 18 and 19, insert the following:

(e) PROHIBITION ON THE USE OF THE DIGITAL YUAN.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''digital yuan'' means the digital currency of the Peoples Bank of China, or any successor digital currency of the People's Republic of China;

(B) the term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code; and

(C) the term ''information technology'' has the meaning given that term in section 11101 of title 40, United States Code.

(2) PROHIBITION ON THE USE OF DIGITAL YUAN.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense, and consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code, shall develop standards and guidelines for executive agencies requiring the removal of any digital yuan from information technology.

(B) NATIONAL SECURITY AND RESEARCH EXCEPTIONS.—The standards and guidelines developed under subparagraph (A) shall include—

(i) exceptions for law enforcement activities, national security interests and activities, and security researchers; and

(ii) for any authorized use of digital yuan under an exception, requirements for agencies to develop and document risk mitigation actions for such use.

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**SA 2300.** Mr. CRUZ (for himself and Mr. WARNOCK) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 440, strike line 19 and all that follows through page 443, line 14, and insert the following:

(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032; 133 Stat. 3018) is amended—

(1) by striking paragraph (84) and inserting the following:

''(84) The Central Texas Corridor, including the route—

''(A) commencing in the vicinity of Texas Highway 338 in Odessa, Texas, running eastward generally following Interstate Route 20, connecting to Texas Highway 158 in the vicinity of Midland, Texas, then following Texas Highway 158 eastward to United States Route 87 and then following United States Route 87 southeastward, passing in the vicinity of San Angelo, Texas, and connecting to United States Route 190 in the vicinity of Brady, Texas;

''(B) commencing at the intersection of Interstate Route 10 and United States Route 190 in Pecos County, Texas, and following United States Route 190 to Brady, Texas;

''(C) following portions of United States Route 190 eastward, passing in the vicinity of Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, Woodville, and Jasper, to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing and including a loop generally encircling Bryan/College Station, Texas;

''(D) following United States Route 83 southward from the vicinity of Eden, Texas, to a logical connection to Interstate Route 10 at Junction, Texas;

''(E) following United States Route 69 from Interstate Route 10 in Beaumont, Texas, north to United States Route 190 in the vicinity of Woodville, Texas;

''(F) following United States Route 96 from Interstate Route 10 in Beaumont, Texas, north to United States Route 190 in the vicinity of Jasper, Texas; and

''(G) following United States Route 190, State Highway 305, and United States Route 385 from Interstate Route 10 in Pecos County, Texas, to Interstate 20 at Odessa, Texas.''; and

(2) by adding at the end the following:

''(92) United States Route 421 from the interchange with Interstate Route 85 in Greensboro, North Carolina, to the interchange with Interstate Route 95 in Dunn, North Carolina.

''(93) The South Mississippi Corridor from the Louisiana and Mississippi border near Natchez, Mississippi, to Gulfport, Mississippi, shall generally follow—

''(A) United States Route 84 from the Louisiana border at the Mississippi River passing in the vicinity of Natchez, Brookhaven, Monticello, Prentiss, and Collins, Mississippi, to the logical terminus with Interstate Route 59 in the vicinity of Laurel, Mississippi, and continuing on Interstate Route 59 south to the vicinity of Hattiesburg, Mississippi; and

''(B) United States Route 49 from the vicinity of Hattiesburg, Mississippi, south to Interstate Route 10 in the vicinity of Gulfport, Mississippi, following Mississippi Route 601 south and terminating near the Mississippi State Port at Gulfport.

''(94) The Kosciusko to Gulf Coast corridor commencing at the logical terminus of Interstate Route 55 near Vaiden, Mississippi, running south and passing east of the vicinity of the Jackson Urbanized Area, connecting to United States Route 49 north of Hattiesburg, Mississippi, and generally following United States Route 49 to a logical connection with Interstate Route 10 in the vicinity of Gulfport, Mississippi.

''(95) The Interstate Route 22 spur from the vicinity of Tupelo, Mississippi, running south generally along United States Route 45 to the vicinity of Shannon, Mississippi.

''(96) The route that generally follows United States Route 412 from its intersection with Interstate Route 35 in Noble County, Oklahoma, passing through Tulsa, Oklahoma, to its intersection with Interstate Route 49 in Springdale, Arkansas.

''(97) The Louie B. Nunn Cumberland Expressway from the interchange with Interstate Route 65 in Barren County, Kentucky, east to the interchange with United States Highway 27 in Somerset, Kentucky.

''(98) The route that generally follows State Route 7 from Grenada, Mississippi, to Holly Springs, Mississippi, passing in the vicinity of Coffeeville, Water Valley, Oxford, and Abbeville, Mississippi, to its logical connection with Interstate Route 22 in the vicinity of Holly Springs, Mississippi.

''(99) The Central Louisiana Corridor commencing at the logical terminus of Louisiana Highway 8 at the Sabine River Bridge at Burrs Crossing and generally following portions of Louisiana Highway 8 to Leesville, Louisiana, and then eastward on Louisiana Highway 28, passing in the vicinity of Alexandria, Pineville, Walters, and Archie, to the logical terminus of United States Route 84 at the Mississippi River Bridge at Vidalia, Louisiana.

''(100) The Central Mississippi Corridor, including the route—

''(A) commencing at the logical terminus of United States Route 84 at the Mississippi River and then generally following portions of United States Route 84 passing in the vicinity of Natchez, Brookhaven, Monticello, Prentiss, and Collins, to Interstate Route 59 in the vicinity of Laurel, Mississippi, and continuing on Interstate Route 59 north to Interstate Route 20 and on Interstate Route 20 to the Mississippi–Alabama State border; and

''(B) commencing in the vicinity of Laurel, Mississippi, running south on Interstate Route 59 to United States Route 98 in the vicinity of Hattiesburg, connecting to United States Route 49 south then following United States Route 49 south to Interstate Route 10 in the vicinity of Gulfport and following Mississippi Route 601 southerly terminating near the Mississippi State Port at Gulfport.

''(101) The Middle Alabama Corridor including the route—

''(A) beginning at the Alabama–Mississippi border generally following portions of I–20 until following a new interstate extension paralleling United States Highway 80, specifically—

''(B) crossing Alabama Route 28 near Coatopa, Alabama, traveling eastward crossing United States Highway 43 and Alabama Route 69 near Selma, Alabama, traveling eastwards closely paralleling United States Highway 80 to the south crossing over Alabama Routes 22, 41, and 21, until its intersection with I–65 near Hope Hull, Alabama;

''(C) continuing east along the proposed Montgomery Outer Loop south of Montgomery, Alabama where it would next join with I–85 east of Montgomery, Alabama;

''(D) continuing along I–85 east bound until its intersection with United States Highway 280 near Opelika, Alabama or United States Highway 80 near Tuskegee, Alabama;

''(E) generally following the most expedient route until intersecting with existing United States Highway 80 (JR Allen Parkway) through Phenix City until continuing into Columbus, Georgia.

''(102) The Middle Georgia Corridor including the route—

''(A) beginning at the Alabama–Georgia Border generally following the Fall Line Freeway from Columbus, Georgia to Augusta, Georgia, specifically—

''(B) travelling along United States Route 80 (JR Allen Parkway) through Columbus, Georgia and near Fort Benning, Georgia, east to Talbot County, Georgia where it would follow Georgia Route 96, then commencing on Georgia Route 49C (Fort Valley Bypass) to Georgia Route 49 (Peach Parkway) to its intersection with Interstate Route 75 in Byron, Georgia;

''(C) continuing north along Interstate Route 75 through Warner Robins and Macon, Georgia where it would meet Interstate Route 16, then following Interstate Route 16 east it would next join United States Route 80 and then onto State Route 57;

''(D) commencing with State Route 57 which turns into State Route 24 near Milledgeville, Georgia would then bypass Wrens, Georgia with a newly constructed bypass, and after the bypass it would join United States Route 1 near Fort Gordon into Augusta, Georgia where it will terminate at Interstate Route 520.''.

(b) DESIGNATION AS FUTURE INTERSTATES.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 597; 133 Stat. 3018) is amended in the first sentence—

(1) by inserting ''subsection (c)(84),'' after ''subsection (c)(83),''; and

(2) by striking ''and subsection (c)(91)'' and inserting ''subsection (c)(91), subsection (c)(92), subsection (c)(93)(A), subsection (c)(94), subsection (c)(95), subsection (c)(96), subsection (c)(97), subsection (c)(99), subsection (c)(100), subsection (c)(101), and subsection (c)(102)''.

(c) NUMBERING OF PARKWAY.—Section 1105(e)(5)(C)(i) of the Intermodal Surface

Transportation Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 598; 133 Stat. 3018) is amended—

(1) by striking the fifteenth sentence and inserting the following: ''The route referred to in subsection (c)(84)(A) is designated as Interstate Route I–14 North. The route referred to in subsection (c)(84)(B) is designated as Interstate Route I–14 South. The Bryan/College Station, Texas loop referred to in subsection (c)(84)(C) is designated as Interstate Route I–214.''; and

(2) by adding at the end the following: ''The route referred to in subsection (c)(97) is designated as Interstate Route I–365. The routes referred to in subsections (c)(84)(C), (c)(99), (c)(100), (c)(101), and (c)(102) are designated as Interstate Route I–14. The routes referred to in subparagraphs (D), (E), (F), and (G) of subsection (c)(84) and subparagraph (B) of subsection (c)(100) shall each be given separate Interstate route numbers.''.

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**SA 2301.** Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I of division A, add the following:

**SEC. 11207. NATIONAL GOALS AND PERFORMANCE MEASURES.**

Section 150 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking ''Not later than 1 year after the Secretary has promulgated the final rulemaking under subsection (c), each'' and inserting ''Each''; and

(B) by adding at the end the following:

''(3) IMPROVING TARGETS.—

''(A) IN GENERAL.—A State shall establish an improving target for the measures described under paragraph (4) of subsection (c).

''(B) IMPROVING TARGET DEFINED.—In this paragraph, the term 'improving target' means a target that represents an improvement over baseline conditions for a particular measure.'';

(2) in subsection (e), in the matter preceding paragraph (1)—

(A) by striking ''Not later than 4 years after the date of enactment of the MAP–21 and biennially thereafter, a'' and inserting ''A''; and

(B) by inserting ''biennial'' after ''the Secretary a''; and

(3) by adding at the end the following:

''(f) SAVINGS CLAUSE.—The requirement under subsection (d)(3) shall apply to States beginning on the date that is 1 year before the subsequent State target and reporting deadlines related to safety performance management established pursuant to this section.''.

## PRIVILEGES OF THE FLOOR

Mr. CARPER. Mr. President, I ask unanimous consent that Heather Dean, a fellow with the Senate Committee on Environment and Public Works, be given floor privileges for the duration of the 117th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR TUESDAY, AUGUST 3, 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., Tuesday, August 3, 2021; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; and that upon conclusion of morning business, the Senate resume consideration of H.R. 3684.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9 p.m., adjourned until Tuesday, August 3, 2021, at 10:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

JONATHAN ERIC KAPLAN, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

FRANCISCO O. MORA, OF FLORIDA, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE CARLOS TRUJILLO.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

AMY ELIZABETH SEARIGHT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JONATHAN NICHOLAS STIVERS.